



# John Adams Library,



IN THE CUSTODY OF THE  
BOSTON PUBLIC LIBRARY.



SHELF N<sup>o</sup>

★ ADAMS

280-10

V. 1

Præterea ~ 18p  
2 Volumina



Digitized by the Internet Archive  
in 2011

Michael Franklin's,  
Halo<sup>th</sup>ay June 18: 1759

BOOKS Printed for S. BIRT, in  
Avenary-Lane.

EVERY Man his own Lawyer: Or, A Summary of the Laws of *England* in a new and instructive Method, under the following Heads, *viz.* 1. Of Actions and Remedies, Writs, Process, Arrests and Bail. 2. Of Courts, Attornies and Solicitors therein, Juries, Witnesses, Trials, Executions, &c. 3. Of Estates and Property in Lands and Goods, and how acquired, Ancestors, Heirs, Executors and Administrators. 4. Of the Laws relating to Marriage, Bastardy, Infants, Ideots, Lunaticks. 5. Of the Liberty of the Subject, *Magna Charta*, the *Habeas Corpus* Act, and other Statutes. 6. Of the King and his Prerogative, the Queen, Peers, Judges, Sheriffs, Coroners, Justices of Peace, Constables, &c. 7. Of Publick Offences, Treason, Murder, Felony, Burglary, Robbery, Rape, Sodomy, Forgery, Perjury, &c. And their Punishment. All of them so plainly treated of, that all Manner of Persons may be particularly acquainted with our Laws and Statutes, concerning Civil and Criminal Affairs, and know how to defend themselves and their Estates and Fortunes, in all Cases whatsoever. By the Author of *The New Law Dictionary*. The second Edition, with Additions.

The Universal Library of Trade and Commerce; or, a General Magazine for Gentlemen, Ladies, Merchants, Tradesmen, School Masters, and all who are any Ways concerned in Business, or the Education of Youth of either Sex, as well as for young Clerks, Apprentices, &c. &c. Containing, 1. The Art of Penmanship exemplified, &c. 2. A complete System of Arithmetick, adapted more particularly to Trade and Business. 3. Directions for Mercantile Business in every Branch, as well in the Counting House as Ware-House, &c. 4. An easy System of Accounts on a new Plan, &c. 5. A Series of Merchants Accounts; or, the *Italian* Method of Book Keeping. 6. Tables of Foreign Coins, Weights and Measures, reduced to those of *England*. 7. A Vocabulary, or Explanation of Terms used by Merchants, Tradesmen, &c. By the most celebrated Masters. The Plates engraved by Mr. *George Bickham*, and the best Hands. The whole examin'd and approv'd of by several eminent Merchants.

*John Adams*  
A GENERAL  
TREATISE  
OF  
NAVAL TRADE  
AND  
COMMERCE,

As founded on the LAWS and STATUTES  
of this Realm,

IN WHICH

Those relating to his Majesty's Customs, Merchants, Masters of Ships, Mariners, Letters of Marque, Privateers, Prizes, Convoys, Cruizers, &c. are particularly considered and treated with due Care, under all the necessary Heads, from the earliest Time down to the present.

---

The Second Edition, with many considerable  
ADDITIONS, and a new PREFACE.

---

IN TWO VOLUMES.

---

VOL. I.

---

In the SAVOY:

Printed by HENRY LINTOT, Law-Printer to the King's most Excellent Majesty; for J. Brotherton, J. Walthoe, S. Wirt, C. Osborn, D. Browne, C. and C. Longman, J. Shuchburgh, Edw. Cumming, J. Moorall, C. Hitch and L. Davies, J. and J. Ribington, J. Ward, and M. Cooper.

c

X X

ADAMS

260,10.01

---

To the Honorable

EDWARD WALPOLE, *Esq*;

Clerk of the Pells, &c.

*S I R,*

**T**HE Example of Moderation which you set some Years ago, in resigning the two great and honorable Employments of Secretary to the Treasury, and Secretary to the Lord Lieutenant of *Ireland*, (in which you were importuned to continue, and which you might have held for Years) the Encouragement which you, after

vi DEDICATION.

the Example of your noble Father, have given to our Trade, by clothing yourself in the Manufactures of *Great Britain*, and discouraging the Use of *French* Gewgaws, the hearty Resolution with which it has appeared more than once that you are animated for promoting the Interests of *Great Britain*, which I *also* would promote, are my Motives for inscribing the following Sheets to you. Were my Abilities in any Degree proportionate to my Zeal for the public Welfare, I should be more worthy of your Protection,  
and

## DEDICATION. vii

and more useful to the Public, but I could not be more secure of the Approbation which every one who endeavours to make himself truly useful to his Country always finds with you. I will hope that your Patronage, and the Countenance of such other Gentlemen as yet dare to be *English*, and to promote the Interests of *Britain*, in an Age when (I am sorry to say it) many, and those of the first of our Nation, virtually, tho' not avowedly, espouse the Interests of *France*, will procure a candid Examination of the Particulars pointed

viii *DEDICATION.*

pointed out in the following Preface, from all those who have inadvertently taken the most effectual Steps for the intire Ruin of our Trade, and the Promotion of the Trade of our Neighbours. I am,

*S I R,*

*Your most Obedient, and*

*Most Humble Servant.*

---

---

# THE P R E F A C E.

**T**HOUGH the benefit of naval trade and commerce, without which no state can be great, flourishing and lasting, needs not any illustration farther than is contained in the first CHAPTER of the following treatise, I shall take leave to add to this second edition a few unconnected remarks on Commerce, Money, Exchange, and the Balance of Trade, by way of preface or introduction, which could not have been so properly added under those heads in the book itself, beginning with Commerce.

COMMERCE is nothing but the exchange of goods which are distributed by the bounty of nature in different places, and which mutual interest renders common to us.

As a consequence of the unanimous consent of mankind to exchange the superfluous goods of which they are possessed for others which they want, and as an easy method of enabling every nation to acquire all sorts of goods, according to the measure of their exigencies, gold and silver have generally been adopted to be the necessary instrument of exchanges, and to serve for the valuation of other goods, which are rated every

where according to the value of the coins which are current in the country.

THE fruitfulness of a country, the culture of land and the industry of the inhabitants are the great sources of trade and of all the riches which men enjoy, and of the revenue of the crown; to these we owe all that the extent of the country and the different advantages of the soil can produce, and the various uses to which the productions of nature are applied, whether they be of our own growth or bought of foreigners. Whatever therefore promotes the culture and improvement of our land, whatever favours our manufactures, whatever facilitates their vent and exportation, and in fine whatever can improve our fisheries and navigation is worthy of attention and protection; for the greatness of the sovereign, and the happiness of the state are so far united with regard to agriculture, manufactures, arts and trade that all these things are equally beneficial to the state and to particulars, and must inevitably increase the power of the sovereign as well as the happiness of the subjects, and afford to many the opportunity of receiving enjoyments with which they would otherwise have been unacquainted.

THE most natural way of encouraging the culture of land or husbandry is first to excite other kinds of industry, and thereby afford the laborer a ready market for his commodities, and a return of such goods as may contribute to his pleasure and enjoyment. For as our passions are the only causes of labor, where there is an abundance of manufactures the proprietors of  
2 land,

land, the farmers and laborers redouble their industry and attention, and exchange the superfluity which arises from their labor with the manufacturers for those commodities which mens luxury now makes them covet: And the increase and consumption of all the commodities which serve to the ornament and pleasure of life are advantageous to society, because at the same time that they multiply innocent gratifications to individuals they are a kind of store-house of labor.

EVERY thing in this world is purchased by labor; and the more labor is employed beyond mere necessities the more powerful is the state, manufactures increase the power of the state only in proportion as they store up labor, which is the true riches of the state, without depriving any one of the necessities of life.

COMMERCE increases industry by conveying it readily from one member of the state to another, and allowing none of it to become useless; it increases frugality by giving occupation to men and employing them in arts of gain, which soon engage their affection and remove all relish of pleasure and expence: and it is an infallible consequence of all industrious professions to beget frugality, and make the love of gain prevail over the love of pleasure.

FOREIGN trade augments the power of the state and the riches and happiness of the subjects by introducing industry and arts, which refine the manners of a people; it increases the stock of labor in the nation; by its imports it furnishes materials for new manufactures, and by its ex-

ports it produces labor in particular commodities which could not be consumed at home: and navigation, which is the very soul of commerce, always brings a vast profit to the state; the building of ships, their victualling and stores, are considerable articles of expence, which, being laid out within the state, furnish several inhabitants with the means of enriching themselves; and a country which has a large import and export must abound more with labor than one which rests contented with its native commodities. It is therefore more powerful and richer and happier; and individuals reap the benefit of these commodities so far as they gratify the senses and appetites.

THE views of Trade in general with regard to the good of the state are, to clear the state of the superfluous commodities it produces, and which the inhabitants manufacture beyond what is necessary for their own consumption, to bring in or take from our neighbors the things we want and that are absolutely necessary, and to enrich the particular trader and the state at the same time. But there are two opposite interests which too generally interfere in trade, the particular interest of the merchant, whose aim is always to gain and to enrich himself without considering the good of the public, to which his trade may be prejudicial tho' advantageous to himself in particular, and the general interest of trade and of the state. It is therefore pity that those who are at the helm of affairs should be hindered by a multiplicity of other objects, which probably seem to them more important, from considering of what consequence trade well conducted is to the

the

the public, and from entering into an examination of whatever is advantageous to the state, in order to give it encouragement and protection; and on the contrary of what may be detrimental to the public, that it may meet with no countenance or toleration.

WHEN industry is exercised by the natives of the country upon the product of their own soil, the trade or commerce which flourishes thereby is natural and the most solid; and that nation which exports more of the native commodities and imports less of the foreign has the advantage in the balance of trade; for the balance of the account must be made up in bullion or money, and the nation grows so much richer as the balance of the account amounts to. Trade therefore is beneficial and advantageous to the state according as the sale of the goods we export of the growth and manufacture of the country exceeds the value of those which we take from foreigners, and it is disadvantageous when we take from foreigners more goods than we give them; for we are obliged in this last case to pay that difference in money, which we do by sending over to them our gold and silver in bullion or our specie, which impoverishes the state and turns out of work all the artificers whom this exported money would have employed.

THE great affair then is to give to natural goods all the uses that are proper to them, in order to make us more sensible of their subserviency to our present exigencies, and by accommodating them to the occasions of foreign nations to raise a demand for them abroad, that we

may procure a quick circulation and an higher price for them, and that other nations who shall be behind hand with us with respect to an equivalent may be forced to pay the balance to us in gold and silver. This is the true and only method to prevent the exportation of our money, to bring in that of foreigners, to procure an advantageous vent for our commodities, and to enable the people to pay the taxes. There is but this one method to prevent the exportation of gold and silver; let us but take such measures that foreigners may export more of our commodities than we import of theirs, so that at the end of the year they may be in our debt by the balance of trade, and then they must necessarily pay us the balance in specie or ingots of gold and silver bullion which they cannot discharge by goods.

TRADE quite alters the comparative strength of states, because wherever it resides it creates so many and so great advantages, and begets such relations and connexions, as render a trading state infinitely superior to a state in which there is no demand for superfluities, nor no export; in which men sink into indolence, lose all the enjoyments of life, and are useless to the public, which can have no support from the industry of such slothful members.

It is perhaps to trade that the people of *Great Britain* owe their freedom and independency, their learning and arts, their extensive colonies abroad, and their prodigious riches at home.

It is navigation and commerce which have made us rich and powerful, and enabled us for a long time to counterbalance all the powers of *Europe*. It is navigation and commerce which make *Holland* so powerful, tho' its dominion extends only over seven little provinces which do not produce the twentieth part of what is necessary to the inhabitants, which have enabled the *Dutch* to put to sea such a prodigious number of ships, to maintain considerable armies by land, and to make that small country the general treasury of all nations.

In times when industry and arts flourish men are kept in perpetual occupation, and enjoy as their reward the occupation itself, as well as those pleasures which are the fruits of their labor. The mind acquires new vigor, enlarges its powers and faculties, and, by assiduity in honest industry, both satisfies its natural appetites, and prevents the growth of unnatural ones, which commonly spring up when nourished with ease and idleness. Banish these arts from society and you deprive men both of action and pleasure, and leaving nothing but indolence in their place, you even destroy the relish of indolence, which never is agreeable but when it succeeds to labor, and recruits the spirits exhausted by too much application and fatigue.

PEACE and good neighborhood, the encouragement of arts, manufactures and commerce, as they are agreeable to the interest of every particular state, so they are best for the whole, and would contribute to render every particular country infinitely more populous, and the peo-

ple much more happy, than any vain endeavors to aggrandize particular families at the expence of the human species: and so long as the human nature continues to be delighted with an happy state of things, a certainty of reaping the benefit of its labor, and enjoying liberty, so long will the states which encourage virtue, œconomy and industry, and preserve peace and good order at home, be sure not to want prosperity, to increase in arts, manufactures and inhabitants, even without using the expedient of general naturalization bills, and without such encouragement that expedient will be of no avail.

THERE is a concurrence of causes in human affairs which check the growth of trade and riches, and hinder them from being confined to one people. If one state has got the start of another in trade, it is very difficult for the latter to regain the ground it has lost, because of the superior industry and skill of the former, and the greater stocks which its merchants are possessed of, which enable them to trade for smaller profit. But these advantages are compensated in some measure by the low price of labor in the state which has not an extensive commerce, and does not much abound in gold and silver. For the greater plenty of money is very limited in its use, and may sometimes be a loss to a nation in its trade with foreigners, but the public always draws advantage from it in its Wars and negociations with foreign states. This appears from the practice of all rich and trading states, which have employed mercenary troops hired from their poorer neighbors in their wars. Extensive commerce therefore at length checks itself by raising the price  
of

of all labor and commodities, especially in great cities, which in the nature of them are destructive to society, beget vice and disorder of all kinds, starve the remoter provinces, and even starve themselves by the high price to which they raise all provisions; and manufactures gradually shift their places, leaving those which they have already enriched and flying to others, whither they are allured by the cheapness of provisions and labor, 'till they have enriched there also, and are again banished by the same causes. And in general the dearness of every thing from the plenty of money, which introduces immoderate luxury, irregular expence, idleness, dependence on the rich, and false ideas of rank and superiority, is a disadvantage attending an ancient established commerce, which sets bounds to it, by enabling the poorer states to undersel the richer in all foreign markets.

THAT provisions and labor should become dear by the increase of trade is an inconvenience not to be avoided, and the natural effect of that public wealth and prosperity which are the end of all our wishes. But this inconvenience should not be increased by banking and paper credit, by counterfeit money which foreigners will never accept of, and which any great disorder in the state will reduce to nothing. There are, I grant, in every rich state many people who, having large sums of money, prefer paper with good security, as being of more easy transport and safe custody; but to endeavor artificially to encrease such a credit can never be the interest of any trading nation, because of the disadvantages it must lay them under by increasing money beyond

yond its natural proportion to labor and commodities, and thereby hightening the price to the *manufacturer and merchant.*

PUBLIC stocks being a kind of paper credit have all the disadvantages attending that species of money. They banish gold and silver from the most considerable commerce of the state, reduce them to common circulation, and by that means render all provisions and labor dearer than they otherways would be.

THE value of goods is never fixed, because they have not the same degree of convenience with respect to us for any long time, we are only sensible of their usefulness so far as they excite our desires. When many sorts abound our taste varies as to the choice, our fondness abates, consumption loses its fire, and all those neglected goods are given at a discount. When the circulation of goods is impaired they rise in their price; when that of specie is impaired goods are under-rated and turn to no account. When a great deal of specie circulates, when the prevalence of modes and fashions makes us perceive more sensibly the convenience of those goods, then their prices rise. This is the spring which moves all the wheels of commerce. This flux and reflux in the price of things is an occasion of losing and gaining by turns; it allures men to labor and revives circulation. Hence plenty pours her exuberant stores where it appears necessary; hence superfluous goods are wrought into such a variety of shapes, and so artfully mingled together, to answer the uses of life, that their nature is no longer to be known.

As commerce is the tie which connects and unites the several parts of this empire so as to be parts of the same whole, as the trader is a subject who ought to be cherished by the state, who deserves the esteem and protection of the legislature by laboring to make the state rich and powerful, as the protection of the laboring and industrious subjects preferably to others is the best mark of a good government, may it ever be the care of those who are intrusted with the administration of government, to see that every part of the *British* empire enjoys to the full all the advantages derived from the laws, and that freedom which is the result of their being maintained in full vigor.

THE advantageous situation of our island, its fertility, the constitution of our form of government, and the liberty from thence accruing, have been the occasion of many foreigners coming hither for their own security, with all their specie and most valuable effects. These have begun manufactures which were wholly wanting and procured from foreign parts at a great expence, and have exerted all their industry and utmost stretch of genius, to support themselves by trade in a country where neither life, estate or dignity depend on the caprice or arbitrary power of any single individual, and where any person who has acquired an affluent fortune has no room to fear a deprivation of it by any act of violence or oppression.

THE wonderful growth of our plantations has also much encreased the strength and populousness of this island, which could never otherways  
have

have attained its present condition. For the commodities and manufactures of any country have a certain limit beyond which it is impossible they should extend without any alteration of circumstances, and when they are carried so high that no new markets are to be found domestic industry can proceed no further. As we have lost the greater part of our beneficial trade in *Europe*, I mean that to *Spain*, it is entirely owing to our colonies that hitherto we have not been more sensible of this truth, the people settled there taking off much greater quantities of our commodities and manufactures than if they had remained at home.

I PRESUME it is not necessary for me to observe that the prosperity of our trade has from time to time undergone very detrimental revolutions, partly owing to the present dissolute manner of living, neglect and want of punctuality, both in manufacturers and merchants, and partly to the people in foreign countries divesting themselves of the despicable opinion they had entertained both of trade and merchants. They have now in every part of *Europe* seen the amazing effects of trade, even in *Spain*, and abated their prejudices against it. There is not a nation but what more or less apply themselves to trade, and all states use their utmost endeavors to draw it into and promote it in their respective countries; nor is there one but what has in some degree succeeded in it. It is now become the standing rule in all states to settle and encourage manufactures, and most princes have adopted our policy in promoting trade, than which nothing can more affect the prosperity of ours;  
whilst

whilst we, 'till of late, have been regardless of the bounty of nature; the plenty of herring and other fish on our coast are advantages which we, to our shame, have given up to the *Dutch*, &c. The *French* have been these thirty years making new laws and regulations, all with a design to draw off the trade of our nation to themselves, and the late great increase of trade among them seems to have been the effect of reflection and observation in an ingenious and enterprizing people, who have remarked the immense riches acquired by such of the neighboring nations as cultivated navigation and commerce; and the general views of many other countries, with regard to trade and commerce and all the dependencies thereof, have tended to the very same point. All these circumstances, and the pains they all take to draw trade to themselves, should likewise stir us up on our parts to put in execution all suitable methods to retrieve our trade, and to keep an eye upon the practice and proceedings of our rivals; if they contrive ways and means to render their manufactures cheaper or better, so as to out-vie us, we must strive to do the same, and if possible out-vie them in cheapness and goodness, or expect to be driven out of that part of our commerce. Let us in time consider that when trade has once absolutely altered its course, it would be fruitless labor to endeavor the bringing it to flow in the same current back upon us. The fate of the *Hanse Towns* may convince us of the impossibility to recover trade when once established in another place.

*FRANCE* is the most formidable rival of *Great Britain* in commerce; the commodiousness of her sea-ports, the fruitfulness of her soil, and all her other advantages for commerce, have been much improved by the wisdom of her policy and the frugality of her people, who are sober and laborious, marry and have flocks of children, which they bring up in labor. *France* was long ago taught by her *Sully*, *that the nobility, whatever they may proudly boast, would become not only useless, but even dangerous to the state, were they once destitute of the aid and assistance which they derive from the merchants, artists, shepherds and laborers; that as to the blessings and conveniencies of human life, a sovereign state might better dispense with the churchmen, nobles, officers of justice, and all those who are concerned in the management of the revenue, than with merchants, artists, shepherds and laborers; that trade and navigation enrich both particulars and the state, and make the prince more powerful, more respected, and more feared by his neighbors; and that she was beholden to the industry and labor of the trader, for her gold and silver, and the vent of her superfluous commodities; and she has found by experience that nothing but the peaceful arts of commerce and navigation can give her a superiority over her neighbors, and has put her trade on such an advantageous footing that we have too much reason to believe that it will necessarily flourish and improve whilst that of her neighbors falls into decay. She has laid a foundation for raising her trade on the intire ruin of ours, unless we can be excited by her example to look well to ourselves.*

IF this is our situation, if many amongst us, against their own proper interest, are taking pains to make our trade lose all that advantage which it has from nature and the industry of our inhabitants, and to make it ruinous to our country, is it not time for every lover of his country to stand up in behalf of the sinking trade of this nation, and to shew himself animated with the warmest concern for the welfare of his country? Is it not time to proclaim that commerce is no longer a blessing to a country than the consequences of it are beneficial to that country, that the suppressing of luxury, at least in the use of *French* finery, and encouraging frugality, and providing for the stay of riches among the body of a people in whatever manner they acquire them, are points that deserve the attention of the government, are things which merit very serious consideration? Is it not time that the board of trade should be called upon to take cognizance of the things committed to their care in their commission? which are, *to enquire into the state of the trade of Great Britain at home and abroad, to consider how the manufactures already settled may be improved, and how new and profitable ones may be introduced, to provide for the employment of the poor, and to revive the fishery.* The noble lord who is at the head of this board, has both capacity and inclination to serve his country, but it is the part of the merchants and manufacturers, who have known things by their own experience, to propose such matters for the consideration of the board as they think may most contribute to the general good of trade and of the nation.

IN *France* no person, foreigner or native, who has any abilities truly useful for the advancement of their trade, goes uncouraged or unrewarded for his ingenuity and industry. This naturally draws numbers from other nations, who do that kingdom great and important services. In *England* there is not due encouragement given to men of abilities to serve their country by advancing arts and commerce. On this account numbers of our most ingenious artists and manufacturers, and those who are happily turned for new and important discoveries and inventions for the interest of trade, daily withdraw from us into other nations, where they are caressed and encouraged suitably to their merit. Here the most generous and disinterested scheme too often meets with discouragements and oppositions. Tho' a plan be ever so well calculated for the public good if it clashes with the private interest of any trading company, town or particular person, it is opposed, under various pretences, by the united force of the interested and other designing men, who, to bring about their own selfish purposes, blacken and misrepresent the best designs in the most malevolent manner. A bold plausible speaker in the house of commons embarrasses the schemes of the ministry, not because he thinks them wrong but because he expects to be bought off by a place; and the ministry do their utmost to quash a motion, not because it is a bad one, but because it comes from the opposition, and would raise the credit of the author too high if it was carried into execution: And we can do nothing but lament these evils, which cannot be remedied while there is a possibility of getting preferment by becoming formidable to the ministry.

nistry. Whilst men go on at this rate, and are full of their prejudices and fond of their opinions, and are not animated with the love of their country, or so truly concerned for its welfare and prosperity as they seem to be, but have some dark purpose at heart, which they disguise with specious names in their opposition to every measure of government or scheme proposed for the public good, tho' they are continually complaining of the general corruption, the bad morals of the people, and the decay of trade, what wonder is it that we still go on languishing in our commerce, increasing in our disorders, and calmly view our rivals taking advantage of these misfortunes, and that the man whose sole aim is the good and prosperity of his country should only draw a prejudice upon himself? What wonder is it that many, who are honest and upright in their private capacity, do not think themselves concerned to be active and indefatigable in promoting the welfare of the community, or that the selfish and designing are vigilant and industrious in defeating every measure which is not calculated for their own private advantage?

THE *Roman* empire become so rich and powerful as it was by the spoils of so many provinces, was lost by suffering strangers in time of peace to settle at *Rome*, and import thither the merchandizes of their respective countries; which becoming grateful to the *Romans* promoted luxury, and at length drained the empire and citizens of their money, which disabled them from quelling the seditions which were raised by those strangers incorporated with citizens, to favor the ambition of the more enterprizing, and after-

wards from repelling the *Barbarians* who attacked them, and made themselves masters of all *Italy*.

ALL that trade which consists in taking great quantities of goods from foreign nations of no other use but to gratify the taste of our *beau monde* in rich clothes, &c. is contrary to the good of the state, and capable of draining the kingdom of its specie, destroying industry, raising the price of labor, forcing artists out of their country, and brings on a suspension of trade. But ruinous as this trade is to the public, it is however advantageous to the individual, who from these sorts of wares raises a gain which, far from deserving protection, ought by all means to be checked and discouraged.

WE take a great many of the *French* commodities and manufactures, and they take almost none of ours, none that they can do without, by which, so far as it is necessary, we contribute to our own undoing. The extravagant propensity we have to wear *French* embroideries, silks, cambricks, lawns, gauzes, blond and other trimmings, &c. &c. &c. and to drink nothing but *French* wines, drains *Great Britain* of its specie, and causes our own manufactures to be neglected and discouraged. All these and the like branches of luxury are most pernicious to the public, and by all means to be discountenanced. It is incumbent on all who have the public welfare at heart, to retrench the use of these *French* commodities, which drain this kingdom yearly of such vast sums of money. I wish this luxury may not, as it is accompanied with a general corruption of

4

manners,

manners, be a sad forerunner of national ruin; it increases the demand for money; which of consequence begets avarice and a venal mercenary temper, and no measures are so base, so servile and infamous, to which a temper subdued by avarice and the love of money is not capable of being corrupted. 'Tis not only the great which are addicted to this mischievous luxury in the use of *French* goods; the distemper is become epidemical and hath over-run the whole nation; and what the commonalty, through the lowness of their fortunes, want in power of doing national mischief they more than compensate in number.

To stop the source of this national calamity, and to controul this exorbitant luxury which so much prevails among us, is a task in which all true lovers of their country ought to unite their honest endeavors. It is to be wished that all true patriots would exert their public spirit, by abstaining from the use of *French* and such other foreign goods of which the importation is so ruinous to their country. It is to be wished that the nobility would not let their sons, before they are formed for travelling, or capable of making useful observations, expend so much money in rambling over foreign countries where their morals are generally corrupted, and where, besides their becoming idle, effeminate and vicious, they contract a liking to every thing that is foreign; and acquire a taste for such things as are inconsistent with the good of society and detrimental to the state. Without such measures as these, additional duties and prohibitions will be but of small avail; for so long as the demand of any commodity

continues, the prospect of gain will always tempt some to carry on a trade, however destructive it may prove to their country. I do not mean to condemn all that comes under the notion of luxury; on the contrary I am of opinion, that the ages of refinement and luxury are both the happiest and most virtuous. Industry, knowledge and humanity are found, from experience as well as reason, to be peculiar to the more polished and luxurious ages, and are not advantageous in private life alone, but render the state as great and flourishing as they make individuals happy and prosperous. I have nothing to say against sumptuous buildings, apparel and equipages, nor any of the branches of expensive living among the rich and great, provided they employ our own people to work upon our own materials, and pay their tradesmens bills at least once a year. While mens expences exceed not their revenues, nor are laid out upon unnecessary foreign commodities, the thing is only of a private nature, and does not directly affect the public; nay it is rather beneficial by promoting the circulation of money, and the consumption of our own productions and manufactures.

How happy would it be for *Great Britain*, if persons of high rank among us would, like those in *France*, take a liking to the produce of their own country and clothe themselves with its manufactures; how happy would it be if our *belles* and *beaux* would copy after the *French*, who are remarkable for confining themselves to the use of their own manufactures, and are so far from valuing things the more for being foreign and far fetched, that they glory in the richness of  
of

of their soil and the industry of their people, whence they are furnished with the necessaries and comforts of life in so much plenty as not to need to be beholden to their neighbors. What pity is it that we who imitate them in many things cannot imitate them in this, that the same conduct is not more universally observed amongst us now our manufactures are brought to so great perfection, and multiplied to such variety, that we may be well enough provided at home (I will not say better than from *France*, tho', I confess, I am so far prejudiced in favor of our honest manufacturers as to think so) with almost every thing not only that nature but even that luxury itself can demand.

'Tis much to the honor of some gentlemen that they have been determined from such public and disinterested views, to come under engagements to use no superfluous foreign commodities, but to give all due encouragement to their own manufactures. An example so worthy of imitation will I hope animate others to copy after it, and make all our *belles* and *beaux* blush when they reflect that they have discouraged our own manufactures to encourage the *French*, and sunk their own nation into immense losses which have turned to the profit of our enemies.

LET us alter our measures conformably to the state and circumstances in which we find ourselves; while the *French* pursue their present maxims of frugality and industry, let us set before us those of our forefathers, who took care to spend less than their incomes, and to labor for more than they wanted, who have left us the

most convincing proofs that wealth and plenty are the result of sobriety and diligence in business; let us not suffer ourselves to be elbowed out of our trade or over-matched by the experience, frugality and industry of our neighbors; much less let us contribute to our own ruin by encouraging their manufactures and discouraging our own; let us consider that the bringing in more high rated *French* and other foreign commodities which we do not want, admitting they were regularly entered at the custom-house, which seldom is the case, tho' it increases the Duties on Importation, instead of being advantageous is very destructive to our trade, and will by degrees consume the riches of this nation, unless the exportation of our own produce and manufactures, the only profitable and advantageous trade of this kingdom, can be also proportionally increased. This is that branch of our trade which must be countenanced and promoted by all methods of encouragement and favor; for on it depend the riches, the strength, the renown, and even the freedom of our country. And tho' we feel some disadvantages in foreign trade by the high price of labor, which is in part the effect of the riches of our manufacturers, the plenty of money, the public funds and our paper credit; yet if we do but attend to and improve all our proper advantages, if we can but learn to content ourselves with small profits, and lay it down for a fundamental maxim, that *Great Britain* must trade upon an equal footing with other nations, or not trade at all, and act in consequence, I will venture to say that none of our neighbors, by any domestic regulations they may make within themselves, or by any accession

sion

sion of advantage how great soever to their trade, will ever be able to beat us out of any one foreign market. Let us but be honest to ourselves and our customers, and resolute in our endeavors to promote foreign trade as much as possible, and our neighbors will never be able to put themselves in all respects upon an equal footing with us; for *Great Britain* possesses within herself such advantages as are not to be found any where besides in the like quantity or to the same degree. I shall here recite the words of *D. d'Avenant* which may very properly be applied to the *French* at this time. “ In some parts they sup-  
 “ plant us, and every where out-wit us, and  
 “ when we observe them still endeavoring to get  
 “ ground, and never yielding any point, but  
 “ forming long schemes, calculated to take ef-  
 “ fect for many years to come, in order to en-  
 “ large themselves at any expence, it will be-  
 “ come good patriots to look about them, and  
 “ to take care lest in time *England* should be in  
 “ a manner excluded from the commercial  
 “ world.”

Our monopolies, publick companies and corporate charters, have given the *French* no small advantage over us, and have enabled them to undersell us, and extend their trade in proportion as ours has declined \*.

b 4

OUR

---

\* By the Charters of the *Turkey*, *Hudson's Bay* and *East India* companies, all the *British* subjects, except the members of those companies, are excluded, by the first, from having any commerce with the whole *Turkish* empire; by the

OUR *Turkey* company, by laying too high a profit, both on their imports and exports, have greatly increased the trade of the *French* from *Marseilles*; and our *Hudson's Bay* company, by the same method, have enabled them to extend their colonies in *Canada*, and both have lost this nation the sale of her manufactures to the amount of several millions; in lieu of which the *French* have sold theirs, with this further advantage of a return in a most valuable material for a principal manufacture, I mean raw silk, from the first, whilst our looms in *Spital-Fields* have stood still for want of it. Thus the whole nation has suffered in its commerce, and the members of these companies have enriched themselves, by exporting small quantities of our own manufactures, and importing but a few of the raw materials of those countries; thereby securing to themselves an exorbitant profit upon each, and to the *French* an opportunity of introducing, by degrees, their cloths made in imitation of ours, under the same names, into the *Levant*; and the *French* having a free and open trade have at length so supplanted the trade of our company, who formerly had all the cloth trade to the *Levant*, that they have now little or nothing of trade in those parts.

EXCLUSIVE companies have so many directors, supercargoes, factors, agents, ware-house keepers

---

the second, from all the fur trade with the *Indians*; and by the third, the same exclusion is made from trading any where beyond the *Cape of Good Hope*, but with what justice I will not take upon me to determine.

and

and clerks, and these must have so many fees and perquisites, and sweetnings from manufacturers to procure the preference of their goods, that it is impossible for them, if they had an inclination to do it, to trade upon an equal footing with private adventurers; and as they cannot trade so cheap, they must neglect many lesser branches which would turn to good account in the hands of individuals, and give bread to thousands.

THE manufactures set up in many of our colonies interfere with the trade of *Great Britain*, and unless we can divert them from such pursuits to others equally beneficial to them, and less detrimental to us, this evil will be daily encreasing: and besides this, in imitation of the mother country, they purchase those articles of luxury, which they want for the gratification of their artificial wants, from the *French*.

THE great number of smugglers, and *Flanders* and *Holland* traders, as they call themselves, are very prejudicial to our trade. They carry our money and wool to *France*, and bring from thence such of her commodities as are prohibited, or too high rated at the custom-house to be entered. The numerous tribe in the city, chiefly *French*, who call themselves merchants, but export nothing but our bullion and money, and import nothing but *French* goods, and smuggle such as are prohibited; the native merchants (truly sensible how detrimental it is to trade, that some should pay duties, whilst others by fraud and male practices screen themselves and elude payment of them, and afraid of being under-

fold.

sold by these gentry) who are tempted to get quantities of such goods *per viam Hamburgh*, &c. in large packages of coarse goods, yarn, &c. which are not opened upon the keys, at least in out-ports; the colorers of goods, as they are called at the custom-house, or those that enter one species of goods for another, as *French* lawns and cambricks under the denomination of *Silesia* lawns or narrow *German* linens, for which purpose they have them now made conformable in length and breadth, and sent from *French Flanders*, thro' *Germany*, to *Rotterdam* and *Hamburgh*, and there shipped as *German*; and the enterers of *French* cambricks and lawns for re-exportation, who take advantage of the three years time allowed them to sell vast quantities to retailers for home consumption, and by sending out *Scotch* or *Silesia* lawns made up in the same lengths and manner, or perhaps by an entry without any goods to correspond with it, avail themselves of the drawback, discharge their bond and keep clear of the act; all these *pettifoggers* in trade are the basest enemies to our country, and their united endeavors will not only be very prejudicial to the revenue, but will also give a fatal stab to the trade of *Great Britain*, if they cannot be diverted from these practices.

THE want of proper officers to see that our manufacturers make every thing good in its kind, and that they give good weight and measure, and fold the worst side outermost, is a great detriment to our trade: and it has also been a great detriment that where such have been appointed, by an unhappy abuse, they have degenerated so far as to increase the evil they were intended to correct. In *France* this method has  
hitherto

hitherto been practised with success, and has defeated the fraudulent designs of the manufacturers and traders, and kept her manufactures in high credit; all the goods designed for exportation from that kingdom undergo a strict inspection by officers appointed for that purpose, and are compared with the patterns delivered in before, in order that the bad may be confiscated, and a fine levied upon the offender.

It is not one of our least misfortunes, that our common people are more abandoned and debauched than those of other nations, that they do not increase so fast, that our poor destroy themselves by the immoderate use of spirituous liquors, that they are subject to no controul, and that there is no such thing as subordination among them. These complaints are doubtless very just with respect to some of our dissolute poor in this great city; perhaps they may be so in respect to most other great cities; for it is an old observation that great cities are destructive to society and beget vice and disorder of all kinds; but our poor woollen weavers are that part of our laboring poor against whom the above complaints, and a multitude of others, are lodged by the master manufacturers. I wish there were authors among the poor working people, as there are among their masters, we might then form a better judgment. I have heard gentlemen, who live in the manufacturing parts of this kingdom, tell strange stories of the masters obliging their poor workmen to take one half or two thirds, sometimes three fourths of their wages every week, in butter, cheese, bacon or other provisions, which are often weighed out to them by  
light

light weights. This method accounts for what some of the writing manufacturers advance, *viz.* that in a plentiful season their workmen waste one half of their time. I suppose, because if they worked their full time they would lose so much by receiving provisions by light weights and at an advanced price, for their wages, and selling those provisions which they could not consume at a considerable loss, that they had rather starve almost than work upon such terms, and only to enrich their avaricious employers. I can't help thinking but one half of the blame, if equitably divided, would fall upon the masters, and the other half upon the workmen. For where the poor are accustomed to work for low wages, and to retain but a small part of the fruit of their labor, it is difficult for them to better their condition, or conspire among themselves to lighten their wages; nay even where they are accustomed to a more plentiful way of life, it is easy for the master manufacturers to conspire against them, lower their wages, and throw the whole burthen of poverty on their shoulders; and that some of them are capable of improving little advantages, when they fall in their way, we have had an unhappy instance in the first parcel of cloth which was sold to *Russia* for clothing the army. A poor weaver is of the same species with his employer, and every person, if possible, ought to enjoy the fruits of his labor in a full possession of all the necessaries and some of the conveniences of life; this would not diminish the happiness of the rich, but it would add much to that of the poor; it would also augment the power of the state, which is most certainly weakened by a too great disproportion among the inhabitants.

Inhabitants. And this further may be added with respect to the master manufacturers and the poor weavers, that where the riches are in few hands, those must enjoy all power, and will readily conspire to lay the whole burthen of poverty on the poor, and oppress them still further, to the discouragement of all industry.

OUR heavy taxes, which virtually fall upon the married state, are inducements to men to remain single. That almost every man, who thinks he can maintain a family, will have one cannot be at all doubted by any who have, in their reading or otherways, taken notice how fast mankind have multiplied in every colony or new settlement where it is an easy matter to provide for a family, and where men are no way straitned or confined, as in long established governments. There is in the human species a desire and power of generation more active than is ever universally exerted, which, was it to act in its full extent, unawed by those restraints which poverty and necessity impose on it, would soon make the world too populous. Instead of complaining that our common people do not increase so fast as those of other nations, let us render their condition more easy if possible, let us not put an immoderate private gain in competition with the happiness of millions. These restraints which men lie under most certainly proceed from difficulties in their situations, which it belongs to a wise legislature carefully to observe and remove. Every wise, just and mild government will always abound most in people, in commodities and riches, because it renders the condition of its subjects secure and easy; where there is most  
happiness

happiness and virtue, and the wisest institutions, there will always be most people: and when there is room for more they will always be found, even without the assistance of a naturalization bill. Trade always draws an almost inconceivable flux of laborious people wherever it is thoroughly fixed, and such as cannot be employed in labor are not wanted; for it is not the number of subjects, but the number of useful subjects, which makes a state rich and powerful. The number of useless subjects in *Great Britain* who are entirely subsisted by the industry of others, is already enlarged to a greater proportion with that of the useful ones than in any other trading nation; and I think we had better be content with the acquisition of such laborious poor as are allured by the fair prospect of bettering their condition amongst us by assiduity in labor, than proclaim to all the world that we are ready to entertain the aged, the lame, and the blind from every quarter. A general naturalization, though so earnestly contended for by some wrong-headed politicians, (who neither understand trade, nor consider how differently the nation is now circumstanced from what it was when such measures proved advantageous to us, but are hurried away with general maxims and received notions, which they have taken up without any examination) would only make the *Dutch* the carriers of our trade, give us an opportunity of laying up our shipping, and our good neighbors the *French* a further opportunity of supplying us with their gewgaws and robbing us of our money and bullion, by sending us over some dozens of *Marchands* of the same stamp with those of which we have already but too many, as I have before observed,

observed, who might live here and carry on a trade to enrich themselves, their friends and their country, by impoverishing ours, by importing and bringing over from their *Bureau des Merveilles* a thousand foolish things which we do not want, and exporting nothing but our bullion and our money ; and when they have sufficiently feathered their nests *Adieu messieurs les Anglois, disent ils, il faut s'en retourner pour notre religion, pour le soulagement de nos amis, et pour la gloire du grand monarque.* FINE MERCHANTS THESE, AND GREAT THE GAIN OF THE NATION IN HAVING THEM NATURALIZED !

IN order to remedy the inconveniencies we labor under, as it has been found to be no such easy matter, as some imagine, to rectify the manners of mankind by laws, which without universal obedience to them are nothing but ties on the most scrupulous and the best part of mankind, who are sensibly hurt by having their trade withdrawn from them, let every one of us endeavor to mend one, and the general example may possibly infuse into every breast such a passion for public good as will now, as it has done in ancient times, prove a sufficient spur to industry, and support the community; let us all always remember, that the better any person discharges the duties of that sphere of life he belongs to, the more he will contribute to the present happiness of society, by promoting the circulation of labor and industry thro' the several ranks he is connected with, and that what cannot be done by laws may be both safely and advantageously done by examples. If the thinking part of the nation would exert themselves in this manner, perhaps

perhaps our *British beau monde* might imitate them, and instead of convincing us of their *bon goût* by a blind admiration of whatever is foreign, or said to be so, become rational enough not to mark a dislike for whatever is domestic, and then we should have no more supine negligence in proportion to our natural advantages, no ground not laid out to the best advantage, no production but what would be wrought into as many different shapes as it is possible to conceive uses that suit with it, no more slothfulness in arts, but increase of strength in our shipping, life, vigour and opulence in our manufactures.

As the *French*, who are the most dangerous rivals we have, will allow of no exclusive companies in any branch of trade which interferes with ours, there is a necessity of laying open the *Turkey* and *Hudson's Bay* companies, &c. before they have quite driven away the trade from us to the *French*.

THERE is also a necessity of using more diligence in drawing raw materials from other countries to work up in our own, and of setting up woollen manufactures in those parts of the kingdom in which the price of labor and provisions is the lowest.

To let the *Irish* share in the advantages of our trade, to let the goods of each nation be reciprocally imported duty free, to let the prohibition against using the produce of either kingdom in the other be repealed, to let them get rich at the expence of the *French*, who have already much increased their riches at the expence of  
*Ireland,*

*Ireland*, would, I humbly conceive, be taking very prudent steps to retrieve or inlarge and extend the trade of *Great Britain*; for whatever wealth *Ireland* could draw from other countries by trade, would center in *Great Britain*, if both islands were incorporated together; and many of the necessaries of life would be imported from thence cheaper into *England* than they can now be purchased, which would be an advantage to our manufacturers, and many of the luxuries and delicacies of living would be exported from hence into *Ireland* in return for them.

To encourage a trade with our own plantations in all those articles of luxury which many of them now take from the *French*, and in lieu of these we may have from some of them such commodities as are imported from *Sweden* and other countries, where the balance is against us. To keep our colonies dependent on the mother country, we must take off the produce of their plantations, that they may not be under a necessity of permitting other nations to trade with them, and of setting up manufactures which interfere with those of the mother country; and then we need not doubt but they will be ready to take our product and manufactures in return. This exchange of commodities, and the importing all such raw materials as are to be manufactured here, even tho' we raise the same sorts ourselves, will be to mutual benefit; for the more we have of these the better, since the cheaper they are purchased the more of them will be worked up, the greater number of hands will be employed, and the greater gain arising to the nation. And for encouraging the importation of such materials there

might be certain privileges and exemptions granted, or rather they might be imported duty free till merchants might find it worth while to engage in it without being paid at the public expence. But if this did not prove sufficient to quicken their diligence, a bounty upon importation might be added, and to these, if it was found necessary, a personal præmium to such merchants as should import the most of the materials and the best in their kind. And those articles of luxury which they can supply us with, should be charged with low duties here, and similar commodities of foreign nations with higher imposts.

THE laying higher duties on the importation of *French* goods, or rather following the example of our goods friends the *French*, who will not allow any *English* manufacture to be worn in *France*, and absolutely prohibiting the importation of all their manufactures, wines, brandies, &c. the subjecting the messengers, the king's, &c. servants and baggage to be searched and examined, and obliging the land-waiters, &c. to be more diligent in examining all packages of every kind, and to take no more of the importer than the table fees, would be of some service, and, with other prudent measures, might keep us from being over-run with *French* gewgaws. Every person, who has observed the complaisance of the land-waiters on the keys to those importers who give them half crowns and half guineas instead of the table fees, must think this a necessary measure; and if their present salaries and the table fees are not thought a sufficient recompence, there might be some addition made

to their salaries; and for a number of years it has been but too notorious, that the wives of the messengers, the king's, the prince's, the duke's and embassadors footmen, &c. have been very considerable dealers in foreign gewgaws, which I presume must be wholly owing to the great opportunities they have had.

It would not a little contribute to the advantage of our trade, if there were appointed in all our manufacturing towns, public inspectors of manufactures, and some method taken to keep up the credit of our manufactures, to prevent frauds in packing, and undue stretching of cloths upon the rack, which have occasioned irreparable loss to this nation, deficiencies in weight and measure, and all the other little arts of deceit, which have been of infinite prejudice to the trade of this nation, and which have been more than ever put in practice since our merchants have been underfold in foreign markets. I will not take upon me to say whether these practices had their beginning from the manufacturers or merchants, or both; but this I will say, that the promoters of them are the basest enemies to the community, deserve to be branded with infamy, and banished from that country which they have so highly injured; at least they should, if possible, be prevented from getting rich at the expence of their honest neighbors, and the welfare of their country, which is too often sacrificed to their knavery.

BUT above all things let it always be remembered, that to keep our trade in any foreign market we must at least be upon an equal footing with other nations, both as to the goodness and cheapness of what we sell.

I SHALL now proceed to make a few remarks on money, exchange and the balance of trade.

MONEY, the instrument which men have agreed upon to facilitate the exchange of one commodity for another, is the representation of labor and commodities, the pledge or equivalent of our reciprocal exchanges, and regulates the value of exchanged goods, itself serving only for a method of rating and estimating them; it was introduced for the facility of commerce, it made sale succeed to barter, by becoming the price of whatever enters into commerce among men.

THE good or bad effects of specie upon commerce, or upon the exchange of our goods, or upon arts or manufactures, are always proportioned to the value of all the real goods of a state, and to the value of all the specie circulating in that state: And as the connexion between these two values is very great, the loss of a state is also very great when money does not circulate in it.

If specie remains hoarded up, it is a stock that becomes useless to the public, and even to the owners themselves, which disorders circulation, and consequently commerce. If it is exported out of the kingdom, the profit arising from it to foreigners is a real loss to the state, and its exportation necessarily causes the exchange to fall below *par*, which makes our trade disadvantageous, and turns out of work all those whom that transported money might have employed, and consequently impairs the revenue and the value

value of the country, as well as its manufactures and the number of its inhabitants.

THE proportion between gold and silver, as it is in the coins of the several states and kingdoms of *Europe*, is a matter of the highest importance, and ought to be examined with all possible precision and exactness, that the just proportion which ought to take effect in the rating of metals may be found out and determined, and a true equilibrium fixed, which may not give the one any preference to the other, lest the kingdom should be gradually drained of its money; for that metal which is too low valued with respect to other nations will be carried where it gives the highest price.

GOLD and silver, more or less refined, are generally distinguished under the denomination of higher or lower standard. To the purest and finest gold are reckoned twenty-four degrees of goodness called caracts, and the caract we will suppose divided into thirty-two parts called thirty-seconds. Then twenty-four caracts will contain 768 thirty-seconds. Silver is reckoned to have twelve degrees of goodness, called penny weights, and each penny weight is divided into twenty-four parts called grains. Thus twelve penny weights contain 288 grains.

THEN the degrees wherewith we express the finest gold will be to the degrees with which we express the finest silver as 768 to 288, or 8 to 3. Wherefore, to keep gold and silver equal in fineness, and the one from being preferred to the other, whatever allays be given, the fine which

remains of these metals, or the allay that is added to them, must be always to one another in the proportion of 8 to 3, or 3 to 8, or else one of these metals will gain an advantage over the other, which will occasion a great demand for it, and consequently its transportation.

FROM this proportion it follows, that gold at 22 caracts and silver at 11 penny weights are equal in fineness or intrinsic goodness, each in its own kind, since both are at an equal distance from their highest degree of goodness, which distance is one twelfth, and that the 704 thirty-seconds contained in the 22 caracts, are to the 264 grains contained in the 11 penny weights of silver, as 8 to 3, and that these two metals are in the requisite proportion between their standard.

As the proportion between gold and silver is not the same in all states, nor always the same in the same state, it is highly necessary to determine the proportion between those two metals, with so much equality, that the numerical value of them both may have such a mutual relation that the one may not be preferred to the other, lest that which is lowest valued should be carried out of the kingdom.

IN order to judge of the value of gold and silver among our neighbors, we must have a thorough knowledge of the present state of their coins, and of the proportion which they observe between gold and silver; by this knowledge we may regulate our own so as not to allow one of those metals to have any advantage over the other.

STATES which observe an high proportion over-value their gold specie and lower the silver, with respect to the specie of their neighbors who keep a lower proportion; whence it follows, that the high proportion makes gold dear and silver cheap.

STATES which observe a low proportion, over-value their silver specie and bring down their gold, in proportion to such of their neighbors as have an higher proportion; whence it follows, that low proportion makes silver dear and gold cheap.

OUR gold coin is 22 caracts fine, and  $44\frac{1}{2}$  guineas are cut out of a pound *Troy*; our silver coin is eleven ounces two penny weights fine, and 62 shillings are cut out of the pound, consequently the pound weight of fine gold will amount to ( $50l. 19s. 5d. \frac{1}{4}$ )  $50l. 9s. 5d. \frac{1}{2}$  sterling, and the pound of fine silver to ( $3l. 7s. \frac{1}{4}$ )  $3l. 7s. \frac{1}{4}$  and therefore fine gold is to fine silver as ( $15\frac{2}{3} \frac{1}{11} \frac{2}{7} \frac{2}{7}$  to 1)  $15\frac{1}{3}$  to 1. So that gold is higher and silver lower rated in *Great Britain* than in any other nation in *Europe*. The consequence of which is the draining of *Great Britain* of its silver. I grant the proportion of gold to silver in their coin in *Spain* and *Portugal* is as 16 to 1; but as there is for the most part a præmium of 6 per cent. on payments in silver, it comes to the same thing as if gold was to silver as  $15\frac{1}{3}$  to 1.

WE will suppose that in *Spain*, *Portugal*, *Germany*, *Switzerland*, *Savoy*, *Holland* and *France* the way of reckoning is the same as in *England*, by pounds, shillings and pence, that pieces of gold

and silver are coined there of the same weight and standard as with ourselves, and that the following proportions are there observed between gold and silver.

In *England* the proportion of gold to silver being supposed  $15\frac{1}{2}$  to 1, and the silver piece fixed at 1 s. an imaginary gold piece of equal weight with the shilling will be  $15\frac{1}{2}$  times 1 s. or 15 s. 2 d.  $\frac{1}{4}$   $\frac{3}{4}$  and the guinea 21 s.

In Spain and Portugal,	$15\frac{1}{2}$ times	1 s. or 15 s. 0 d. $\frac{1}{4}$ $\frac{2}{3}$	and the guinea	20 s. 09 d. $\frac{1}{4}$ $\frac{3}{4}$
Germany and Switzerland,	15	1 s. or 15 s.		20 s. 08 d. $\frac{1}{2}$ $\frac{1}{4}$
Savoy,	$14\frac{2}{3}$	1 s. or 14 s. 9 d. $\frac{1}{2}$ $\frac{2}{3}$		20 s. 05 d. $\frac{1}{4}$ $\frac{1}{4}$
Holland,	$14\frac{2}{3}$	1 s. or 14 s. 8 d.		20 s. 03 d. 0 $\frac{1}{2}$
France,	$14\frac{2}{3}$	1 s. or 14 s. 5 d. $\frac{1}{2}$ $\frac{1}{4}$		19 s. 11 d. $\frac{3}{4}$ $\frac{3}{4}$

WHENCE it appears, that the states which observe an high proportion between gold and silver over-rate their gold pieces, and give them an higher value than those states do which keep a lower proportion.

IN *England* the proportion being  $15 \frac{1}{5}$  to 1, the value of the imaginary gold piece of equal weight with the shilling will be  $15 \frac{1}{5}$ , and the guinea being fixed at 21s. the silver piece will be 1s.

*In Spain and Portugal,* }  $15 \frac{1}{25}$  of  $15 \frac{1}{5}$  or 1s.  $\frac{1}{94}$

*Germany and Switzerland,* } 15 of  $15 \frac{1}{5}$  or 1s.  $\frac{1}{75}$

*Savoy* 14  $\frac{4}{5}$  of  $15 \frac{1}{4}$  or 1s.  $\frac{1}{38}$

*Holland* 14  $\frac{2}{3}$  of  $15 \frac{1}{5}$  or 1s.  $\frac{2}{35}$

*France* 14  $\frac{9}{19}$  of  $15 \frac{1}{5}$  or 1s.  $\frac{69}{1375}$  or  $\frac{1}{20}$  fere.

AND these different values of the price of silver make it appear with the highest degree of certainty, that the states which observe a low proportion over-rate their silver specie and lower their gold. And from these differences of proportion infallibly arises the transportation of the cheapest metal from one state to another. So that the examination of this article, and determining the just proportion which ought to take effect in the rating of metals, that the one may not have any preference to the other, is a matter of the greatest consequence to the state; and the nature and value of bullion, coins and exchanges in a commercial free state equally claim the attention of merchants and gentlemen, and particularly of such as are concerned in the legislature

ture and the direction of public affairs. I am sensible that what I have said above, and what I am going to say, concerning the exchanges, will appear to many an unintelligible jargon; but if I should say, that our silver standard is two penny weights too fine in proportion to our gold standard, that standard silver sells in bullion at 5*s.* 5*d.*  $\frac{3}{4}$ , and that *France* and *Holland* give more gold for silver than their neighbors, (*English* crowns will exchange at *Amsterdam* for 37 shillings; *English* crowns brought from *France* produce in *England* only 29*d.*  $\frac{1}{2}$  for three livres; *English* guineas there 24 livres, produce here 21*s.* that 31*d.*  $\frac{1}{2}$  for three livres) it will be more intelligible and sufficiently account for the present growing scarcity of silver, which most certainly will continue so long as these things remain upon their present footing.

THE incumbrance and difficulty of transporting specie and bullion, being found an impediment to commerce, recourse was had to bills of exchange from one place or country upon another, and, in order to make the negotiations and calculations the easier, money of account or exchange, or ideal money, was imagined, which properly speaking, consists in collective names, which comprehend under them a certain number of pieces of real money.

THE most essential point, but the least known in the business of exchange, is the exact equality between the current monies, or the real *par*. This is likewise the most fixed point from whence to set out; for the weight and standard of coins  
are

are every where more steady than their numerical value \*.

THERE is also another equality to be considered, *viz.* that between the monies of exchange of one country and those of another; which is by some called the political *par*, or *par* of ideal money; and this *par* is nothing but an exact equality between the values of exchange of different markets compared with one another; and these *pars* always express the just values of our monies and exchanges, whether high or low, and never allow us more than the just value, in appreciating goods of foreign produce which *Great Britain* receives, and they are susceptible of all the variations of money that can happen in a state.

If our commerce and disbursements in foreign countries are equal to their commerce and disbursements in ours, the compensation is equal, in which case the balance of trade is said to be equal, and the exchange at *par*; that is, one who gives money in the one country, will receive as much from the other in weight and standard.

If a nation supplies us with more than it takes from us, we must necessarily pay that overplus,

---

\* Some months after this was put to the press, there was a book printed for *W. Owen*, called the *Universal Merchant*, which, tho' full of errors, contains many judicious maxims of trade, and may be very useful to such gentlemen as want information with respect to the weight and standard of coins.

which

which is called the balance of trade between the two nations, either in money or bullion.

Now in order to pay that balance due to the foreign country, the demand for their money, or for their bills of exchange, becomes greater among us than their quantity. This raises their price, and lowers the exchange below *par*; in which case we receive less, or give more money than we have received, which makes the exchange disadvantageous to us. Thus exchange has become a traffic, and this difference of the *par* to what is given makes the course of exchange. In this case it shews that *Great Britain* is indebted to her foreign neighbors, and consequently that the commerce which she carries on with those neighbors is burdensome and expensive to her.

In like manner every time *Great Britain* shall supply a foreign country with more than it receives from thence, that country will be indebted to us, and the exchange to our advantage; because the need which that country will have of our money or of our bills of exchange, in order to pay us that balance, will increase her demand for them, and in that case she will be obliged to give us more than she really owes us, which makes the exchange rise above *par*, and become advantageous to us.

ACCORDING to these principles the exchange, which is above *par*, is advantageous to us, and shews, that the trade which we carry on with that nation is beneficial, since the balance is on our side: And the exchange which is below *par*, is disadvantageous

disadvantageous to us, and proves that our trade is burdensome and expensive, since we are indebted to the foreigner.

FROM what has been said it evidently results, that exchange shews us daily which of any two nations is indebted to the other, that the nation which is indebted has the disadvantage in commerce, that the nation to which a balance is owing has the advantage, that the advantageous commerce necessarily draws in specie or bullion into the state to which the balance is owing, that they are exported out of that state which has the disadvantage, and that they who attentively consider the daily course of exchanges, by seeing which of two nations is indebted to the other, or which has the advantage or disadvantage in trade, will also see what is to be done for supporting that exchange or benefiting trade.

THIS method of knowing the balance of trade is infinitely more sure and expeditious than that of examining the import and export of merchandize; and, if attended to, enables the legislature daily to take such measures as may either maintain and preserve the advantage if we have it, or recover it if we have it not; whereas that which results from the examination of commodities which are imported or exported, can only be known a long time after, when it is out of time to put those measures in execution.

By the course of foreign exchanges, which has, jointly with the price of bullion, always been allowed, not only by great statesmen and speculative politicians, but by the most skilful and sagacious

gacious practical traders, to be the true criterion of the balance of trade, we may see every day of the year the state and situation of our trade with any nation whatsoever; whereas, by the examination of the import and export of goods, which cannot be exactly calculated, for want of knowing the prices of the one and of the other, with that precision which is requisite, I might also add, for want of knowing the quantity, as it is well known to all those who are concerned in the exportation trade, that the entries and the quantities of woollens exported, seldom are the same, it cannot be known till a long time after, and then not with any certainty; but if it could, the opportunity of acting is lost, and the damage is already done. Yet for all this, not a few are of opinion, that the most proper method to make a judgment of our foreign trade is, by taking an account from the custom-house books of our exports and imports. But this is at best a very uncertain way of reckoning, and can be of no advantage in discovering the balance of trade, even tho' more exact accounts of our exports and imports could be had, because so great a part of the trade of this nation is driven by exchange, and because it cannot be discovered by the custom-house books, what the native goods exported are sold for in foreign countries; for the balance of trade must arise from the value of the goods that are sold, and not from the quantity that are exported or imported, and that is known only to the merchant who sells the goods.

BESIDES, it is well known, that merchants, to save themselves the trouble and fee of taking  
out

out another cocket, frequently enter much larger quantities of goods than they actually export; and that fictitious entries are often made of certain commodities, in order to raise the price of them from the appearance of the great quantities exported, and the less remaining to be sold.

It is also a practice of the owners of ships to make fictitious entries, thereby to encourage merchants to load goods on a ship put up on a general freight, in expectation that she will be very soon dispatched. Neither is it unusual for merchants themselves to put this method in practice sometimes, to support their declining credit, or to give them the reputation of being greater dealers than they really are. So that the largest entries may be made when the fewest goods are exported.

To these uncertainties of making any judgment of the quantities of goods so exported from the entries must be added, the impossibility of making any reasonable estimate of the value of goods so exported; because of the variety of different kinds, and the prices of them. For instance, no man can make an estimate of the value of perpets, stuffs or long and short cloths from the quantities only, for they differ in their prices more or less, as one to four or five.

AND further, the large profits arising from the freight of our shipping, does not at all appear from the custom-house books. So that I cannot see upon the whole, how any computation can be this way made of our general trade, much less of that we drive with any particular nation; at least

least it must be allowed to be a very imperfect method of knowing the advantage or disadvantage of trade; and withal, as before observed, the state of trade cannot be known soon enough by it for its defects to be remedied. The only method therefore, whereby we can make a judgment of the balance of trade, seems to be from the course of exchanges and the price of bullion.

THE place where the exchange is above *par* has the balance of trade against it, as has been before observed, and that place where the exchange is under *par*, has the balance in its favor.

AND as the balance of trade grows due gradually from one country to another, by an importation of commodities, the variation of exchanges follows the same proportion. For instance.

IF *Holland* sends into *Great Britain* the value of 100,000*l.* in merchandize, and receives from *Great Britain* but the value of 30,000*l.* the *British* merchants will offer money for bills on *Amsterdam*, even one, two or three *per cent.* above *par*, if they cannot get them for less; the negotiator is at last content to draw, and sends money over to answer the payment, gets the one, two or three *per cent.* for the charges and risk of sending the money over; and when this balance is paid, by sending over the bullion or money, the exchange again falls to *par*.

WHENCE

WHENCE it is plain, that the course of exchange indicates where the balance of trade lies, since its balance is proportionable to the balance with any country distinctly. But as the *Spanish* exchange may be in favor of *Great Britain*, and the *Dutch* exchange at the same time against *Great Britain*, the course of exchange will not shew whether *Great Britain* receives more money from *Spain* than it sends to *Holland*, and consequently it will be but conjecture to judge from the course of exchange, whether *Great Britain* gains or loses in the general balance of trade.

IN *Great Britain* if bullion, which is allowed to be exported, grows dearer than standard, it is a plain sign that the general balance is against her.

IN *France*, as she keeps up the current specie at an higher price in the mint than bullion, if the negociators of money are forced to send out the current specie in payments to foreigners, it will shew that most of the bullion is already gone, and that the general balance is against her.

BUT it must be remarked, as we have hinted before, though the courses of exchange commonly follow the proportion of goods exported and imported, that the sums sent out of a kingdom for the payment of interest, armies and alliances, the maintenance of travellers and embassadors, have the same effect upon the courses of exchange as a balance of trade.

NATIONS finding the export of money or bullion to pay the balance due by trade, &c. a loss of so much riches, and very detrimental to commerce, should discourage the import of such commodities as the people could best want, by prohibiting their consumption; industry should be encouraged, and all methods taken to lower the price of labor, and in proportion the necessaries of life; by these methods the native product and manufactures would be improved and increased, a larger overplus produced for exportation, trade and exchange made equal, and in time the balance turned in favor of a nation.

Our having the disadvantage in exchange can be owing to nothing but the causes explained above, and to our silly and extravagant fondness for the useless and superfluous goods of foreign markets, which are only subservient to luxury and sensuality in the gratification of our artificial wants; for the goods which we really want, and that are absolutely necessary, can never equal those which foreigners take from us. This being the case, the first and principal cause of our disadvantage in exchange, particularly with *France*, is our too great consumption of those foreign commodities which are of little use, and might be easily dispensed with, since they are not superior to our own, if they were not valued upon the footing of being *French*.

If those who have any share in the management of public affairs, instead of adorning themselves with foreign gewgaws, would consider

sider, that there is but one way of bringing gold and silver into *Great Britain*, and attend to the courses of exchange, and when it appeared that we had a disadvantage with any nation, discountenance or rather retrench in part or in whole, as the case required, the use of the commodities which are taken from that nation, if they were not absolutely necessary; they would shew themselves good patriots, and presently retrieve the advantage in favor of our trade.

OUR exchange with *Holland* being always a losing one, is very disadvantageous to us; for *Amsterdam* being made the centre of negotiations by bills between *Great Britain* and many other parts of *Europe*, with which we carry on a large commerce, the rate of exchange between us and *Holland* must affect all our money transactions with those countries, in consequence of which we receive less for our exports to *Holland*, *Russia*, *Sweden*, *Denmark* and most parts of *Germany*, and pay them more for what we import from thence.

THE obvious causes conspiring to keep the *Dutch* exchange in our disfavor are, the interest money we pay them for the millions they have in our funds; the commission we pay them for negotiating the money transactions between us and the countries above-named; their paying less for the merchandizes they take from us, and we more for those we take from them, and from those countries with which we transact business by their means, in consequence of the exchange being in their favor; and the gold and

silver remitted to *England* from *Spain* and *Portugal*, in return of goods sent thither from *Germany*, often being remitted from hence through *Holland* into *Germany*; and while these causes subsist the effect must be the same.

THIS might in part be remedied, by establishing more direct courses of exchange, especially to those places we now do business with through the medium of the *Dutch*. This is a thing practicable, and absolutely in the power of our merchants, by which they and their correspondents will save the commission which they now pay to the *Dutch* for transacting their business: And that saving would enable them to afford our native commodities cheaper at foreign markets, and enable our foreign correspondents to afford their merchandizes cheaper to us, and prevent the *Dutch* exchange from being the medium of disadvantage to both.

I HAVE now done with my remarks, and shall only add a few lines concerning the following treatise, the intent of which is to inform all merchants, masters of ships, and in general all other persons any ways employed in trade and commerce, of the treaties, laws, ordinances and usages, and every thing material concerning the same, in a method different from any other work of the kind, wherein all men may find all that instruction which is requisite for securing their trading properties, and the just conduct of their actions through the whole world of *British* commerce. It also contains an account of the statutes relating to the *British* customs,

customs, which allow of the exportation and importation of merchandize, and signify the terms and conditions thereof, and the penalties on unfair traders. And this account shews the rise and progress of our trade, the variations of it from time to time, the encouragements given to the places of growth of commodities, and *British* built ships, and for exporting our own manufactures; and is a kind of history of all mercantile things and incidental affairs. In this second edition there are considerable additions made to most of the chapters. The whole is regularly continued down to *January 1753*, and a new chapter added concerning Bankrupts.

---



---

# THE CONTENTS

Of the First Volume.

---

Chap. I.	<b>O</b> <i>F Naval Trade in general.</i>	Page 1
	Chap. II. <i>Of Merchants, Natives and Foreigners.</i>	5
Chap. III.	<i>Of Navigation and Shipping at Sea.</i>	17
Chap. IV.	<i>Of Owners and Masters of Ships.</i>	26
Chap. V.	<i>Of Mariners and Seamen.</i>	43
Chap. VI.	<i>Of Affreightment and Freight, and Charter-parties.</i>	53
Chap. VII.	<i>Of Insurances of Ships and Goods.</i>	67
Chap. VIII.	<i>Of Bankrupts.</i>	90
Chap. IX.	<i>Of Marine and other Contracts, and Bottomry.</i>	104
Chap. X.	<i>Of Hypothecations of Ships and Salvage.</i>	117

Chap.

# The CONTENTS.

Chap. XI. Of <i>Average and Contributions for Loss</i> .	Page 124
Chap. XII. Of <i>Wrecks, Flotsam, Jetsam and Lagan</i> .	131
Chap. XIII. Of <i>Light-Houses and Sea-Marks</i> .	142
Chap. XIV. Of <i>Pilots of Ships, and Lodesmen</i> .	146
Chap. XV. Of <i>Ports and Harbours, Havens and Roads; and of Keys and Wharfs, &amp;c.</i>	154
Chap. XVI. Of <i>Customs and Subsidies, &amp;c. and Custom-Officers, by ancient Statutes</i> .	172
Chap. XVII. Of <i>Customs, Tonnage and Poundage, &amp;c. by modern Statutes</i> .	200
Chap. XVIII. Of <i>Customs and Custom Duties, by late Statutes</i> .	277
Chap. XIX. Of <i>Prisage and Butlerage</i> .	351
Chap. XX. Of <i>Taking up and Entering Goods at the Custom-House, Bills of Entry, Lading, Invoices, &amp;c.</i>	360
Chap. XXI. Of <i>Fees and Allowances to the Officers of the Customs</i> .	365
<i>An Appendix containing short Extracts from the Statutes 26 Geo. 2. which make any Alterations with respect to Trade.</i>	

A GENERAL

---

A G E N E R A L

T R E A T I S E

O F

NAVAL TRADE and COMMERCE.

---

C H A P. I.

*Of Naval Trade in general.*

**T**RADE or Commerce is a Business or mutual Employment, arising from the Necessity Men are under of receiving from one another such Things as they are obliged to exchange for the Relief of their respective Necessities, and the Support of human Life, and is exercised in the Buying, Selling, Bartering and Exchanging of Wares and Commodities; and in a Naval Signification it extends to all Traffick or Merchandizing with other Countries.

This I think to be a just Definition of the Word *Trade*; the three essential Parts whereof are *Commodities*, *Money*, and *Exchange*, by which all Traffick and Trade is performed, or by some

of them, because they are the Causes of Commerce, and have been compared to the Body, Soul and Spirit thereof. To enumerate the many Kingdoms and States that have raised themselves to the highest Pitch of Greatness by Trade and Commerce, would be needless in this Treatise; since it appears from History that most of the ancient Nations have been fully convinced of the Usefulness of it, and have engaged in it with great Application, that it became the Means of vast Advantages to them, that the most famous Monarchies have been wholly indebted to Trade, not only for their Subsistence, but also for their Greatness and Splendor, and that it has always been the Source of Riches, and the Chain which united Nations: I shall therefore only give a few remarkable Instances from some of our best Historians. In ancient Times, *Constantinople*, which was once the greatest Empire and the Throne of *Christendom*, having been plundered by the *Turks*, became a Place of Desolation; but by granting a free Trade, and the free Exercise of Religion, that unhappy Place was soon re-peopled, and restored to its former Glory.

To come nearer Home, if we observe but our Neighbours the *Dutch*, we find that upon a very small Tract of boggy Land, by extending their Trade to the remotest Countries, they are at this time the Store-keepers of the whole World; and from a very low and mean Beginning are grown a powerful People, having justly obtained a Name equal to that of the greatest Monarchs.

The Commonwealth of *Venice*, and other foreign free States, by their convenient Situation for Traffick, and Wisdom and Steadiness in the Administration of Publick Affairs, with their just  
Laws

Laws for securing Liberty and Property, which are the Life of all Trade and Industry, (for what People would be at the Expence, Trouble and Hazard to carry on Trade, if they were not sure to enjoy the Fruits of their Labours?) and their Way and Manner of Living, are respected and admired for their great Riches, Strength and Magnificence, and Examples to Kingdoms of the first Rank in *Europe*: And hence it is, that Trade and Commerce are now become the principal Object and Care of Kings and Potentates; as the Return of Commerce is Riches and Plenty, which fortifies Countries with Strength and Reputation.

And as no Nation is better situated for Trade than *Great Britain*, nor has a larger or more commodious Port than *London*; *England* in particular, on the Encouragement of the Great King *Edward III.* the renowned Queen *Elizabeth*, and their most glorious Successors, has raised herself to the highest Pitch of Power and Grandeur, and acquired a Superiority above all other Nations. For it is our Trade which enables us to send such vast Fleets of Ships to Sea, mann'd with such Numbers of brave and able Sailors, which give Terror to the Universe.

By Trade and Commerce our most eminent Merchants in Estates and Fortunes exceed the greatest Nobility of the most flourishing Kingdoms abroad; their Houses in Town and Country are like so many Princes Palaces; their Wives and their Families make the most splendid Appearance; their Way of Life is very Grand, without any Extravagance; their Equipages are decently rich and costly; and as they are well assured of possessing and using at their pleasure what

#### 4 Of Naval Trade in general.

they can acquire, they are ever active and enterprizing.

Our foreign Trade at this Time is chiefly to *Italy, Turkey, France, Spain and Portugal, to Africa, Germany and the Baltick, the East and West Indies*: The *Dutch* have supplanted, or at least interfered with us in the *Eastland and Greenland* Trades, and partly in that of *China and Japan*. By the Statute 3 Jac. 1. cap. 6. All the King's Subjects shall have free Trade into and from *Spain, Portugal and France*, notwithstanding any Grant of Incorporation to prohibit the same, or any other Act or Thing whatsoever to the contrary.

But the 1 Will. & Mar. cap. 34. Prohibited Trade with *France* during the War; and all Importation, Vending or Uttering of any Goods or Commodities, of the Product or Manufacture of the Dominions of the *French* King, was declared a common Nuisance, and the Commodities so imported were to be seized and burnt, or otherwise destroyed; likewise the Importers thereof to forfeit the full Value, and the Vessels with their Furniture, &c. and Landing such Goods or Merchandize, or Assisting therein, incurred a Penalty of 500 *l*. Thus our Trade stood till the War was ended, and the Prohibition of it to *France* was taken off and repealed by 9 Ann. cap. 8.

In the third Year of King *George the First*, by an Act of Parliament then made, the King was enabled by Proclamation to prohibit all Trade both of Exportation and Importation with *Sweden*, on the intended Invasion of this Kingdom by the late King of *Sweden*: This being only a Temporary Statute, it expired with the apprehended Danger. And by the *Quarantine Act* 8 Geo. 1. cap. 8. that King was empowered in like Manner

to

to prohibit Commerce with any Country abroad infected with the Plague, and to restrain all Persons from going to, or coming from such foreign Countries, at such Times of Infection, under the severest Penalties; and the Officers of Ports shall in such Case resist the Entrance of Ships, by firing of Guns upon them. See the Stat. 1 Geo. 2. cap. 18.

It has been formerly held, that no *English* Subjects may Trade to and with a Nation of *Infidels* without the King's Leave, because of the Danger of relinquishing Christianity; and it was said by the Lord Chief Justice *Coke*, that he had seen a License from one of our Kings, reciting, that he having a special Trust and Confidence, that such a Person his Subject would not decline his Faith and Religion, licensed him to Trade with Infidels, &c. 3 *Nels. Abr.* 331.

But Merchants are not generally restrained from leaving the Kingdom, as all other Subjects are, without License; for they may depart and live out of the Realm and the King's Obedience, for the Benefit of Trade, and the same is no Contempt, they being excepted out of the Statute 5 *Rich. 2. chap. 2.*

## C H A P. II.

### *Of Merchants, Natives and Foreigners.*

A Merchant, here in *England*, is one that buys and trades in any Thing: And as Merchandize includes all Goods and Wares exposed to

Sale in Fairs or Markets, so the Word Merchant anciently extended to all Sorts of Traders, Buyers and Sellers. But every Man who buys and sells Goods is not at this Day under the Denomination of a Merchant; only those that Traffick in the way of Commerce, by Importation or Exportation, or carry on Business by way of Emption, Vendition, Barter, Permutation or Exchange, and which make it their Business to buy and sell, are esteemed Merchants.

A Merchant ought generally to know Arithmetick, the several Weights and Measures of all Countries, and the Correspondence between them; also Cosmography and the Mathematicks, thereby to be acquainted with the Situation of Countries, their Distance and Spaciousness, and the distinct Dominions of Princes by Land and Sea, &c. And should know not only the essential Parts of Traffick, but likewise the Goodness of the Commodities of every Country, with the Customs in buying or selling of Merchandize for Money, Bills, or in way of Barter; and the Weight, Fineness and Valuation of the Money of all Places abroad. *Lex Mercat. p. 5.*

The Bartering of Goods signifies to exchange one Commodity for another, or truck Wares for Wares by Merchants; so it is mentioned in the Statute 1 R. 3. cap. 9. And Exchange was the original and natural way of Commerce precedent to Buying; for there was no Buying till Money was invented, tho' in Exchanging both Parties are as Buyers and Sellers, and they equally warrant. In some foreign Countries, the usual Method of Buying and Selling of Commodities, between Merchants, is by Bills of Debt, or Bills Obligatory, which by the *Law Merchant* are there

there alienable or assignable over. *Lex Mercat.* 71. 3 *Salk. Rep.* 157. *Vide Vol. ii. Chap. 1.*

In former Times it was a received Opinion, that those Laws, which were prohibitory against foreign Goods imported, &c. did not bind a Merchant-Stranger: Tho' it hath been a long Time since adjudged otherwise; for in the Leagues that are established between Nation and Nation, the Laws of either Kingdom are excepted; and as the *English* Merchants in *France*, or in any other Nation in Amity, are subject to the Laws of the Country where they reside, so must the People of *France*, or any other Country, be subject and liable to the Laws of *England*, when Resident here. 19 *H.* 7.

By the Common Law, Merchants were always particularly regarded in this Kingdom; but the Municipal Laws of *England*, or indeed of any Realm, are not sufficient for the ordering and determining the Affairs of Traffick, and Matters relating to Commerce; Merchandize being so universally extensive, that it is impossible: Therefore the *Law-Merchant*, (so called from its universal Concern) all Nations take special Knowledge of; and the Common and Statute Laws of this Kingdom leave the Causes of Merchants, in many Cases, to their own peculiar Law. In the Reign of King *Edw.* 4. a Merchant-Stranger made Suit before the King's Privy Council, for several Bales of Silk feloniously taken from him; wherein it was moved, that this Matter should be determined at Common Law; but it was answered by the Lord Chancellor, that as this Suit was brought by a Merchant, he was not bound to sue according to the Law of the Land. 13 *Ed.* 4.

Merchants abroad are very circumspect and careful in giving Characters one of another, lest unawares they thereby become Sureties. A Merchant at a Mart-Fair in *Germany*, being in a Merchant's Warehouse, where there was another Merchant of his Acquaintance, a Stranger to the Seller, cheapening a Parcel of Silk-Wares; the Seller asking whether he was a Man of good Credit, was answered in the Affirmative, and the Bargain was made, the Goods delivered to the Buyer, and his Bill Obligatory taken for the Payment at the next Fair following: Here the Buyer not appearing at the time, Demand of the Money was made of the Merchant that gave the Buyer the Character; but he refusing to pay it, a Suit was thereupon commenced, and he was adjudged to pay the Money; and all the Recompence he had was the Buyer's Bill Obligatory, which was assign'd over to him, but of no Value, the Buyer being become insolvent. *Lex Mercat. cap. 10. fol. 69.*

This Determination was according to the Civil Law, and general Law and Custom between Merchants; tho' the Opinion of some Merchants being demanded, they were divided therein: And it was by all agreed, that if the Party had said of the Buyer of the Goods, he is taken or reputed to be a Man of good Credit, or I take him to be so, without affirming it, he had been cleared by the Law and Custom of Merchants. This may be a good Caveat for Merchants and all Men. *Ibid.*

The Wares, Merchandizes, or Debts that Merchants have as Joint-Traders or Partners, on the Decease of either or any of them, shall not go to the Survivor or Survivors, but to the Executor  
of

of the deceased; and the surviving Merchant or Merchants shall be obliged to join in an Action with the Executor for Recovery thereof. 2 *Lev.* 188. But it has been held, that if two Joint-Merchants make *A. B.* their Factor, and one of them dies leaving an Executor; this Executor and the Survivor cannot join, for the Remedy survives, but not the Duty or Interest; and therefore on Recovery he must be accountable to the Executor for that. 2 *Salk.* 444.

If there are two Merchants Partners in Trade, who are indebted, and one breaks, the other may not be charged with the whole; but the Estate belonging to the Joint-Trade ought to be divided, &c. But where there are two Partners, and one dies, the Survivor shall be charged for the whole Debt. 1 *Mod.* 45. Acts discharging Bankrupts shall not discharge any Partner in Trade, or one jointly bound with the Bankrupt. 1 *Danv. Abr.* 686.

In Case two Joint-Merchants occupy their Stock, Goods, and Merchandise in common, to their common Profit, one of them naming himself a Merchant shall have an Account against the other naming him a Merchant, and shall charge him as a Receiver: And if two Merchants are found in Arrear upon an Account with another, and they promise to pay it at certain Days, but do not; then either of them may be charged for the whole singly; and an Action of the Case will lie on the Custom of Merchants. 1 *Co. Inst.* 172. 2 *Roll. Abr.* 702.

If one Merchant draws a Bill of Exchange upon another, either at home or abroad, the Acceptance of the Bill by the Party shall bind him to that Party to whose Use the Money in the Bill

is

is to be paid, and he may bring his Action in his own Name *per legem Mercatoriam*: And so it is if a third Person that is a Stranger to the Bill shall accept the same for the Honour of the Drawer, it will bind him as effectually as if he upon whom it was drawn had done it. 2 *Cro. Rep.* 7. And where two Merchants have a joint Trade, and one of them only accepts a Bill of Exchange, if he do not pay it an Action lies against the other; *per Twisden*: But the regular Method is to proceed against both. *Stiles* 370. See *Exchange*.

The Exception in the Statute 21 *Jac.* 1. of Limitations concerning Merchandize, as to Actions of Account, being brought within the Time limited, extends only to Accounts current between Merchants, betwixt which and an Account stated there is a Diversity; for when the Account is stated and balanced the Certainty of the Debt appears, and all the Intricacy of Account is out of Doors: And the Action must be brought within six Years after the Account is stated. But it was here said, if after an Account is stated, upon the Balance of it a Sum appear due to either of the Parties, which is not paid, but is afterwards thrown into a new Account between the same Parties, it is then slip'd out of the Statute again: And the Reason of the Exception in this Statute was, because Merchants are often out of the Realm, and cannot always prosecute their Actions in due Time. 1 *Mod. Rep.* 268, 270.

Merchants, Traders, and others, desiring to end any Suit or Controversy, (for which there is no other Remedy, but by personal Action, or Suit in Equity,) by Arbitrament may agree, that their Submission of the Suit to the Award or Umpirage

Umpirage of any Person or Persons, shall be made a Rule of any of his Majesty's Courts of Record, which the Parties shall chuse, and may insert such their Agreement in their Submission, or the Condition of the Bond or Promise; and when upon filing the proper Affidavit thereof, the same is entered of Record, and a Rule of Court thereupon made, the Parties shall submit to, and be finally concluded by such Arbitration or Umpirage; and in Case of Disobedience thereto, the Party refusing to perform the same, shall be subject to the Penalties of contemning such Rule of Court; and Process of Attachment, &c. shall issue accordingly. *Stat. 9 & 10 W. 3. cap. 15. 1 Salk. 83.*

By the Statute 7 *Ann. cap. 12.* No Merchant or Trader, within the Description of any of the Statutes of Bankrupt, putting himself under the Service of any Ambassador, &c. here from Abroad, shall have any Benefit by this Act to be privileged from Arrests, &c.

*The Statutes in general, relating to Merchant-Strangers and others, are the following, viz.*

By *Magna Charta, 9 H. 3. cap. 30.* All Merchant-Strangers, (if they are not openly prohibited before) shall have safe Conduct of coming into, going out of, and remaining in *England*; to buy and sell, without being exacted upon by any manner of excessive Tolls, except in time of War, and they be of our Enemy's Country; and altho' they be of a Land making war against us, so long as our Merchants are well used there, they shall have the like good Usage here.

The Act 9 *Edw. 3. cap. 1.* ordains, that Merchant-Strangers may freely buy and sell Goods within the Realm, except they be Alien Enemies: And if any Disturbance or Abuse be offered to them, or any other Merchant in a Corporation, and the Head Officer there do not, upon Request, provide a Remedy, the Franchise shall be seized into the King's Hand; and the Disturber, on being attainted thereof, shall answer double Damages to the Party grieved, suffer one Year's Imprisonment, and be ransomed at the King's Will: And if the Disturbance be out of a Franchise, the Lord, or his Bailiff, &c. neglecting to provide Remedy, are liable to the same Penalty.

By Statute 27 *Edw. 3. cap. 2.* Safe Conduct shall be granted to Merchant-Strangers, except Alien Enemies, to come and dwell in this Realm, and return when they please; as also to sell their Commodities, without having them taken from them against their Will, on any Colour or Pretence whatsoever. And Officers, or others, offending against this Law, shall be arrested by the head Officer of the Place, if it be out of the Staple; and if within it, then by the Mayor and Ministers of the Staple; and shall be proceeded against according to the Staple-Law, and not at the Common Law; and on conviction of the Offence, incur double Damages to the Party grieved, and as much to the King.

By the 27 *Edw. 3. Stat. 2. c. 11. & 17.* All Merchants may freely sell their Merchandize at the Staple by Gross, or by Retail, without Challenge or Impeachment; but it shall be Felony to forestall, buy, or give earnest for any Merchandizes, before they come to the Staple or Port, or  
to

to enter Ships for that Purpose. No Merchant may be impleaded for another's Trespass, Debt, &c. And if any Difference arise between the King and any foreign Prince, who hath Merchants here, those Merchants his Subjects shall have (by Proclamation) forty Days given them to depart; and if for any just Cause they cannot leave the Kingdom so soon, they shall have longer Time allowed, until they may conveniently go; and in the mean Time may sell their Merchandize, if they can do it.

And by 38 *Ed. 3. cap. 2.* it is ordained, that any Merchant may use more Merchandizes than one, notwithstanding the Statute of 37 *Ed. 3. cap. 5.* by which Merchants were prohibited to do it; and all Merchants, as well Aliens as Denizens, may buy all Manner of Merchandize, and freely carry them out of the Realm, paying the Customs, &c. except that *English* Merchants shall not go abroad with Wool, or Woolfells, &c.

The 5 *Rich. 2. cap. 1.* enacts, that all Merchant-Strangers, of whatsoever Kingdom or Country they may be, being in Amity with us, coming into *England*, shall be welcome, and friendly entertained and treated here, in all Parts within this Kingdom, with their Merchandize and all manner of Goods, without being disturbed. But by the Stat. 16 *Rich. 2.* it is enacted, that no Merchant-Stranger shall buy or sell, or merchandize within the Realm with another Merchant-Stranger, to sell again; nor sell any Merchandize by Retail, but Victuals: Only Wine he shall sell by whole Vessels, and Spicery by whole Bales, and in no other manner.

By the 4 *Hen. 4. cap. 15.* Merchant-Strangers and Denizens, that bring Merchandizes into *England*,

land, and the same do sell here, and receive *English* Money for the same, shall bestow such Money upon other Merchandize of *England*, to carry the same out of the Realm, without carrying any Gold or Silver in Coin or Mass, excepting their reasonable Costs.

And the 5 *Hen. 4. cap. 9.* ordains, that for the better keeping of Gold and Silver within this Kingdom, and for the Increase of our Commodities and Manufactures, all Merchant-Strangers shall give Security to the King's Customers and Controulers, to employ their Money on the Commodities of this Realm; which they shall do, in Pain to forfeit the same Money: Also Merchant-Strangers were to sell their Merchandize within a Quarter of a Year next after their Arrival; but this Clause is repealed by a subsequent Act. And by this Statute, the head Officer of the Port where a Merchant-Stranger shall arrive, shall assign him a sufficient Host or Inn, at which and with whom he shall reside, and in no other Place; and the Host so assigned shall take for his Pains as hath been accustomed.

The Statute 8 *Hen. 6. cap. 24.* ordains, that no Merchant-Alien shall constrain any of the King's Subjects by Promise, Covenant or Bond, to pay him in Gold for any Debt, which to him may be due for any Merchandize sold; nor refuse to receive payment thereof in Silver, upon Pain of forfeiting double the Value of the same: And to prevent Loss to the *English* Merchants having dealings with Foreigners here, no *Englishman* shall sell within this Realm, to any Merchant-Alien, any manner of Merchandize, but for ready Money paid presently, or for other Merchandize presently delivered.

By

By the 1 *Rich. 3. cap. 9.* The *Italian* Merchants trading hither shall sell their Goods and Merchandize at the Port where they land them, and in Gross, not by Retail, or shall forfeit the full Value thereof: They are also to sell their Commodities within eight Months Time, and in that Space lay out and employ the Money received upon *English* Commodities, (their Expences deducted) and not make over the Money by Exchange; and if within that Time they cannot dispose of their Goods, in two Months after the eight Months they shall convey them out of the Realm; in Pain to forfeit the Money made over by Exchange, and the Merchandize sold after eight Months, and not conveyed away as aforesaid, or the Value of the same. These Merchants may transport their Merchandize from one Port to another, so as they sell them within the said eight Months: But no such Merchant shall buy and sell any Wool in this Realm; nor shall he make any Woollen Cloth, or deliver Wool to that End, upon Pain of Forfeiture.

By 3 *Hen. 7. cap. 8.* it is enacted, that every Merchant of *Ireland*, *Fersey* or *Guernsey*, that bringeth any Merchandizes into *England*, shall lay out the Money received for the same Merchandize (his reasonable Expences being deducted) upon the Commodities of this Land, or without Fraud employ the Money in due Payment here; the same to be proved by Writing from the Merchant or Merchants to whom he hath paid the Money by him received, witnessing that he hath so done, or by such other Proof as shall be thought reasonable to the Customer or Comptroller of the Port; on Pain of forfeiting the Value of the Merchandize so brought into this Kingdom;  
the

the one Half of the said Forfeiture to go to the King, and the other Half to the Party that will sue for the same. And by this Act, the 17 *E. 4.* is made perpetual; which Statute ordains, that Merchant Aliens guilty of these Offences, shall forfeit all their Goods found within this Realm, and suffer a Year's Imprisonment.

The 23 *H. 8. c. 7.* ordained, that no Merchant shall lay on Land out of a Ship any *French* Wine, between the Feast of *St. Michael* and the *Purification*, on Pain of Forfeiture thereof: And the Lord Chancellor and other great Officers have Authority to set the Price of *French* and other Wines, by the But, Barrel, &c. and Persons selling at greater Prices shall forfeit 40*l.* also the Price of retailing Wines is limited by this Statute.

By the 1 *Eliz. c. 11.* No Merchants, or other Persons, are to lade or unlade into, or out of any Ship or Vessel, any Goods, Wares or Merchandize whatsoever, except Fish taken by *Englishmen*, but only in the Day-Time, and at certain Ports and Places appointed; in Pain to forfeit the Goods, Wares or Merchandize otherwise laden or unladen, or the Value: The Places assigned, to be *London, Southampton, Bristol, Newcastle, Westchester, &c.*

The Stat. 12 *Car. 2. c. 4.* Which grants the Custom-Duties of Tonnage and Poundage to be paid by Merchants to the King, and declares what particular Things may be Transported, paying the said Duties; provides and enacts, That all manner of Wines imported in the Port of *London*, or elsewhere, shall be freed from the Imposition of *Excise*.

By 1 *W. & M. c. 34.* If any Merchant, Wine-cooper, or other Person, selling Wines by Wholesale

sale

## Of Navigation and Shipping. 17

sale or Retail, shall corrupt or adulterate any Wine, or utter Wine corrupt or adulterated, they shall forfeit 300*l.* for every Offence; one Moiety to the King, the other to the Prosecutor, to be recovered by Action of Debt, Bill, Plaint or Information, &c. and be imprisoned for three Months.

And by the 9 *Ann. c. 8.* Merchants importing *French* Wine are to do it in Ships of seventy Tuns Burthen, and so as the same comes directly from *France* into *Ireland*, and from thence to *England*: But before such Ships return to *France*, they are to be laden with *English* Goods to the Value of the Wines; and Oath is to be made before a Custom-Officer, that the Goods are intended to be landed in *France*, &c. See *Customs*.

---

### C H A P. III.

#### *Of Navigation and Shipping at Sea.*

**N**avigation is the Art of Sailing at Sea, also the Manner of Trading to foreign Countries: And Ships are the Means by which this Trade is extended and carried on; so that Ships and Shipping come under Navigation.

According to the common Right of Mankind, the Navigation thro' the World is no less free and open to every one than the Air; and hence it proceeds, that Passage by Sea to all Christian Countries is and hath been so indifferently permitted to all Nations not being professed Enemies: And none can be prohibited to sail in the

## 18 Of Navigation and Shipping.

Main Sea ; unless in Places where the Waters are as Royalties, which the *Venetians* claim in some of their Territories and Jurisdictions, and other Princes and States by Prescription. *Lex Mercat.*

124, 130.

If a Ship bound for *Venice* do enter into the River of *Lisbon*, and there deliver some Goods or Merchandize, and afterwards entering into the Straits of the *Mediterranean* Sea, be driven by contrary Winds to some other Place or Island in the said Seas, and then after that make his Discharge at *Venice*; all this time of the Voyage is but one Navigation, and the Master of the Ship hath committed no Fault, if he departed from the first Port at the Time limited. *Ibid.* 124.

As to Ships in general, there have been many Statutes made for increasing and preserving them, and improving the Navigation of this Kingdom: By 5 *Rich. 2. c. 3.* it was enacted, that none of the King's Subjects should bring in or carry out any Merchandize but in *English* Ships; in pain to forfeit all Merchandize otherwise conveyed, or the Value thereof. But the 6 *R. 2. c. 8.* ordains, that the Statute before-mentioned shall only take Place where able Ships of the King's Allegiance may be found; otherwise the Merchants may hire other Ships, notwithstanding that Statute.

By the 4 *H. 7. c. 10.* No *Gascoign* or *Guien* Wine, &c. shall be imported into this Realm but in *English* Vessels, on pain of Forfeiture: And none shall freight any Merchandize in any Stranger's Ship, if he may have sufficient Freight in the same Port, in a Denizen's Ship; under the Penalty of forfeiting all Merchandize not thus shipped, to be divided between the King and the Seizor. This Act shall not extend to any Ship,  
4 having

## Of Navigation and Shipping. 19

having Merchandize on board, that is forced by Tempest into any Port of this Kingdom; so as the Owner thereof make no Sale of the Merchandize here, except only for necessary Victuals; or repairing of the Ship and Tackle.

The Stat. 32 H. 8. c. 14. ordains; that *Gascogn* or *Guien* Wines, or *Thoulouse* Woad, may be brought into this Kingdom in any other Ships, as well as *English*, notwithstanding the Act of 4 H. 7. And by this Statute, a Rate was ordain'd of what should be paid for the Freight or Portage of the several Sorts of Merchandizes, in Ships from the Port of *London* to other Places, and from thence to *London*.

By 1 Eliz. c. 13. If any Owner of any Merchandize shall in the time of Peace embark or unload any Part thereof, (Masts, Pitch, Tar, and Corn only excepted) out of or into any Ship, other than an *English* Bottom, he shall pay Custom as an Alien: And no *Englishman* shall cross the Sea in any Hoyer, &c. with any Goods or Merchandize, in pain to forfeit the same, to be divided between the King and the Prosecutor. But Merchants, at their several Shippings of Cloth out of the *Thames*, twice in the Year, may embark Merchandize in a Stranger's Ship, so long as there are not *English* Ships enough and convenient to convey such Merchandize into *Flanders*, *Holland*, *Zealand*, or *Brabant*, &c.

By the Act of Navigation, 12 Car. 2. c. 18. it is enacted, that no Goods shall be imported into, or exported out of any Territories belonging, or which may hereafter belong to his Majesty, his Heirs and Successors, in *Asia*, *Africa*, or *America*, in any other Ships but such only as belong to the People of *England*, or *Ireland*,

## 20 Of Navigation and Shipping.

*Wales*, or Town of *Berwick* upon *Tweed*, and whereof the Master and three fourths of the Mariners are *English*, in pain to forfeit all the Goods and Commodities, and the Ship or Vessel with all its Furniture; one third Part whereof to the King, another third to the Governor of the Country where such Default shall be, if seized there, otherwise that third also to the King, and the other third to him that will seize or sue for the same. And Commanders at Sea, having Commission from the King, are to bring in as Prize, Ships offending contrary hereunto; and in such Case of Condemnation, one Moiety shall be to the Use of such Commanders and their Companies, and the other Moiety to the King.

No Goods of the Growth or Manufacture of any Countries belonging to *Muscovy*, or of the Produce of the *Turkish* Empire, shall be imported into *England*, *Ireland*, *Wales*, or Town of *Berwick*, in any Ship or Vessel not of *English* Built, or not belonging to the People of some of them, and navigated as aforesaid; except Vessels of the Built of that Place of which the Goods are, or of such Port where they can only be or usually are shipped, the Master and three fourths of the Mariners being of the said Country; on pain of forfeiting the Ship and Goods, to be divided and disposed as above-mentioned: And all Wines of the Growth of *France*, or *Germany*, and divers Goods and Merchandize from *Spain*, *Portugal*, *Russia*, &c. which shall be imported into the Places aforesaid, in any other Ship than what doth belong to *England*, *Ireland*, &c. and is navigated as aforesaid, shall be deemed Aliens Goods, and pay accordingly. *Stat. ibid.*

And

And no foreign built Vessel shall pass as a Ship belonging to *England, Ireland, Wales, &c.* till the Owner make appear to the chief Officers of the Customs in the Port next to the Place of his Abode, that he is not an Alien, and take an Oath that it was *bona fide* bought of such Persons, expressing the Sum given, and the Time and Place, when and where, &c. and that no Foreigner hath a Share therein. Also none shall load in any Bottom, whereof Strangers are Owners, Part-Owners, or Master, and of which three fourths of the Mariners at least are not *English*, any Goods whatsoever from one Port or Creek of *England, Ireland, Wales, Guernsey, Jersey, or Town of Berwick*, to another Port of the same, on pain to forfeit such Goods and Vessel. *Ibid.*

The 22 & 23 *Car. 2. c. 11.* ordains, that where any Goods shall be laden on board any *English* Ship of the Burthen of 200 Tuns or upwards, and mounted with sixteen Guns or more, if the Master yields up such Ship or Goods to any *Turkish* Vessel, or any Pirate without Fighting; upon Proof thereof in the Admiralty, he shall be incapable of taking Charge of any *English* Vessel, &c. And Masters of *English* Ships, tho' not of that Burthen nor mounted as aforesaid, that shall yield to a *Turkish* Ship or Pirate, (not having at least double Number of Guns) without Fighting, shall be liable to the Penalties of this Act: If any inferior Officers or Mariners of a Ship shall refuse to fight when commanded, or utter Words to discourage others, they shall lose all their Wages due, and be imprisoned not exceeding six Months, &c. and Mariners laying violent Hands on their Commanders to hinder them from fight-

## 22 Of Navigation and Shipping.

ing in Defence of their Ships, shall suffer death as Felons.

When any *English* Ship shall have been defended by Fight, and brought to her Port, in which fighting any of her Men have been wounded, the Judge of the Admiralty, or his Surrogate, &c. where the Ship shall arrive, upon the Petition of the Master and Seamen, may call so many as he shall be informed to be Adventurers or Owners, and by advising with them, levy upon the respective Owners such Sums as himself and the major Part of them then present shall judge reasonable, not exceeding two *per Cent.* of the Ship and Goods; which Money shall be distributed among the Master, Officers, and Seamen, or the Widows and Children of the Slain, according to the Direction of the Judge, with the Approbation of three or more of the Owners or Adventurers. *Ibid.*

By the 5 & 6 *W. & M. c.* 24. Every Person that shall within such a Time build or cause to be built any Ships of three Decks, containing 450 Tuns, and mounted with thirty two Pieces of Ordnance, having Ammunition, &c. proportionable, shall for the first three Voyages, which the said Ships shall make to any foreign Parts, receive one tenth part of the Customs called the Subsidy of Tonnage and Poundage, payable for Merchandizes exported and imported in such Ships: But if after the End of the three first Voyages, any of the Ships so built shall be altered or put into another Form of Building, whereby they shall become less defensible than they were at first; then they shall be forfeited and lost.

By

## Of Navigation and Shipping. 23

By 2 *Ann. c. 9.* During the War with *France*, Owners of Ships might navigate with Masters, and one half of the Mariners *English*, as if the Master and three fourths of the Men had been so: Also by the 3 & 4 *Ann. c. 13.* any Ships might be navigated by foreign Seamen; and Foreigners serving on board any *English* Ship for two Years, were to be deemed Natural-born Subjects, &c.

By the 4 *Geo. 1. c. 12.* and 11 *Geo. 1. c. 29.* If any Captain, Master, Officer, or Mariner belonging to any Ship or Vessel, shall wilfully cast away, burn, or destroy the Ship to which he belongeth, or in any wise direct or procure the same to be done, with Intent to prejudice a Person that shall have underwritten any Policy of Insurance thereon, or any Merchant who shall load Goods therein, or any Owner of such Ship or Vessel, the Persons offending being lawfully convicted thereof shall be adjudged guilty of Felony without Benefit of Clergy.

The 5 *Geo. 2. c. 20.* enacts, that no Commander of any Ship outward bound shall receive on board any Gunpowder, either as Merchandize, or Store for the Voyage (except for his Majesty's Service) before such Ship shall be at *Blackwall*, in the River *Thames*; and all Masters of Ships coming into the River shall put on Shore all Powder, either before the Arrival of their Ships at the said Place, or within Twenty-four Hours after they come to an Anchor there, upon pain of forfeiting 5*l.* for every fifty Pounds weight of Gunpowder found on board, and in the like Proportion for a less Quantity. And no Guns shall be kept loaded with Shot in Merchant Ships between *London-Bridge* and *Blackwall*, or fired be-

## 24 Of Navigation and Shipping.

fore the Rising or after Setting of the Sun, under the Penalty of 5*l.* and for every Gun so fired 10*s.* And if any Pitch, Tar, Rosin, or other combustible Matter, shall be heated or melted by Fire in any Ships; every Person so offending shall for every Offence forfeit 5*l.* And the Ships are liable to Search, by an elder Brother, appointed by the Master, Wardens and Assistants of *Trinity-House* at *Deptford*.

And in Case any Ship shall be laid up or moored in the Mouth, or any other Part, of *St. Saviour's Dock*, (except Ships that shall be loading or delivering their Cargoes, and others not exceeding two at one time that shall lie at *Shipwright-Yard* at the north-west Corner of the said Dock, during the time they shall be repairing) the Master of every such Ship shall forfeit 20*s.* for every day the same shall continue to be laid up and moored; to be recovered and levied as the other Penalties inflicted by this Act, before two Justices of Peace, subject to Appeal to the Quarter-Sessions.

By 6 *Geo. 2. c. 29.* Masters of Ships lying in the River *Thames*, having occasion for Ballast, shall pay 12 *d. per Ton* Colliers, other Ships 15 *d.* and foreign Ships 19 *d.* to the Corporation of *Trinity-House* at *Deptford*; who shall pay Ballast-men 9 *d.* a Ton for raising and carrying it, &c. And such Ballast-men delivering more or less Ballast than mentioned in Tickets, or without Order, shall forfeit 2*s.* 6*d. per Ton.* Also working in Lighters not marked and allow'd, or Counterfeiting any Gauge-Mark, they shall forfeit 10*l.* leviable by two Justices of Peace, by Distress, &c. And it shall be lawful for any Master of a Ship to appoint two Persons, whereof his Mate to be  
one,

## Of Navigation and Shipping. - 25

one, to go on board any Lighter bringing Ballast to such Ship, to inspect the Marks thereof; and every Ballast-man shall immediately before the Delivery of Ballast to any Ship trim such Lighter, so as to make the same swim at equal Marks, at the Stem and Stern, and pump all the Water out, &c. And the Master, Wardens and Assistants of *Trinity-House*, are to make good to the Master the Quantity or Value of Ballast which shall be found deficient, on forfeiture of 50*l.* one Moiety to the Poor, and the other to the Person suing for the same.

The 7 *Geo. 2. c. 15.* ordains, that no Owners of any Ship shall be liable to answer any Loss by reason of Imbezilment, by the Master or Mariners, of any Goods or Merchandize, which shall be shipped on Board, or for any Act done by them, without the Privy or Knowledge of such Owners, further than the Value of the Ship, and Amount of the Freight during the Voyage, where such Imbezilment, or other Maleverfation of the Master or Mariners, shall be committed: And if several Persons shall suffer Damage by the Means aforesaid, and the Value of the Ship, &c. shall not be sufficient to make Compensation; then the Freighters shall receive Satisfaction in Average, in Proportion to their respective Losses, to be ascertained on a Bill in Equity exhibited for a Discovery thereof, and of the Value of such Ship and Freight, &c.

But nothing in this Act shall discharge any Remedy, which any Person may have against the Master and Mariners, in respect of any Imbezilment. *Arresting and Seizing Ships*, vide Vol. II.

## C H A P. IV.

*Of Owners and Masters of Ships.*

OWNERS of Ships are the Proprietors of the same by lawful Title. And a Master of a Ship is one appointed by the Owners to have the Government and Charge thereof, being committed to his Care and Management during the Voyage to be performed. Also the Persons that are in a Ship may be thus in Order; the Master, the Pilot, the Master's Mate, the Ship-Carpenter, the Boatswain, the Purser, the Surgeon, the Cook, and the Ship's Boy: All the Rest are under the Name of Mariners.

In respect to Owners of Ships, where there are divers Part-Owners therein, if a Ship be new built, and has never made a Voyage, or is newly bought, by the Law *Marine* she ought to be subject to one Voyage upon the common Hazard, before any of the Owners shall be permitted to separate and discharge their Parts; (but by the Laws of *England* the Owners may, before any such Voyage, convey away or assign over their Right.) And if there be several Owners of a Ship, and they happen to disagree, the Ship notwithstanding may make one Voyage, at their common Expence, before any Terms of dissolving the Partnership shall be so much as heard; if after that they cannot agree, the Party requesting to be discharged is to make an Offer of his Part to the Rest at the Price he would either give or take, and he shall be allowed to separate; but in Case he will not make such an Offer of Sale, the

the other Owners and Partners may forthwith rig the Ship at their own Charge, and upon the Adventure of the Refuser, so far as his Share doth extend, without any Account to be given unto him of any Part of the Profit at her Return: But they are obliged to bring the Ship Home safe, or to answer him the Value of his Part. *Lex Mercat.* 120, 121.

And where the part Owners of a Ship, who have the greatest Share or Part thereof, refuse to continue the Partnership, with one who hath but one Part, or a small Share in the Ship, who cannot without Prejudice sell his Part at a Price set, nor has Substance to buy the Parts of the Rest; in such Case all the Partners are bound to put the Ship to an Appraisement, and either so to dispose of her by Sale, or to set her forth on a Voyage accordingly: And if for want of Buyers in that Place, the poor Partner cannot avoid the Oppression of the Richer, then may the Judge of the Admiralty, or the Ordinary Judge, sentence and decree the same. If the major Part of a Ship's Owners and Partners protest against a Voyage, and there is but one left that is for it; yet the same may be effected by that Party, especially if there be an Equality in Partnership. *Lex Mercat.* 121. *Jure Marit.* 192.

There were several part Owners of a Ship, and the major Part of them agreed to send her in a Voyage to Sea, but the Rest disagreed; whereupon the greater Number, (according to the common Usage in such Cases) suggest the Disagreement of the other Partners, and then order certain Persons to appraise the Ship, who thereupon set the Value thereon; which being done, the major Part who agreed to the Voyage, enter into  
a Re-

a Recognizance, wherein they bind themselves jointly and severally to the disagreeing Parties in a Sum proportionable to their Shares, according to the Value set by the Appraisers, &c. to secure such their Shares in the Ship against all Adventures: It was here said, that this Course had been allow'd and practised in the Admiralty Court many Years, in all Cases, where the lesser Number of Partners dissent to a Voyage proposed by the major Part, and that the Legality of such Proceeding was never yet doubted; and great Inconvenience would ensue to Traders, if there was no Means for the major Part of the Owners to redress themselves as to their own Shares, against the Obstinacy of a lesser Number that disagree, for thereby the Ship would lie idle, and be of no Use, when she should be in a Voyage for the Benefit of Trade. *Cartb. Rep.* 26, 27.

But Chief Justice *Holt* held in this Case, which was ruled contrary for a Prohibition, that the Majority of the Partners were not without a proper Remedy at Law; and that an Action against the lesser Number might be framed upon the special Matter, setting forth, that whereas by the Law and Custom of this Realm, if several Partners be of a Ship, and the major Part agree to send her on a certain Voyage, &c. and the lesser Number dissent, that the Agreement of the greater Number shall bind the others; and so bring the particular Case within this Custom, by shewing the Partnership and the Agreement of the greater Number the Plaintiffs, and the Disagreement of the Defendants the lesser Number, &c. by which the Profits of the Voyage for that Time were lost, &c. *Cartb.* 27. See 1 *Show.* 13.

If a Man gets Possession of a Ship, having no Title to the same, by the Marine Law he shall answer such Damage to the rightful Owners, as the Ship in all Probability might have earned; and the Reason of that is, because the only End of Shipping is the Imployment thereof. A Ship commits Piracy, by Reason of which she is forfeited; if before Seizure she be *bona fide* sold, the Property shall not be questioned, nor the Owners dejected of the same: And where a Ship is freighted out, and accordingly receives in her Lading pursuant to Agreement, if afterwards any Embargo happens, and the Lading is taken as forfeited, the Owners shall notwithstanding receive Freight, for here is no Fault in them; but only in the Merchant. 2 Roll. Abr. 530.

With respect to Repairs of Ships, where there is Cause for it in a Voyage, the Master may take up Money to do it; and tho' he spend it another way, the Owners and Ship become liable to the Satisfaction of the Creditor; for as it would be very unreasonable, that such Creditor should be bound to take upon him the Care of repairing the Ship, and supply the Owners Room, which must be so if it be necessary for him to prove that the Money was laid out upon the same Ship; so on the other hand it stands with Reason, that he be sure he lends his Money on such an Occasion, as thereby the Master's Fact may oblige the Owners, where he knows that the Money borrowed was necessary for the Repair of the Ship; and therefore if a Ship want some Reparation, and a far greater Sum is lent than was needful, the Owners shall not be liable for the whole. *Hob. Rep.* 10, 11.

If any Ship be taken away from the Owners, they may maintain an Action of Trover and Conversion for any Part or Share. But in a Case, where one had the sixteenth Part of a Ship in common with the Defendant, he to defraud him of his Part disposed of the Whole, and sent the Ship to *India* without his Assent; it was held, that the Action did not lie, for tho' it be a Deception, they being here Tenants in common of the Ship, there can be no Fraud between them; and by the Law each has Power to dispose of the whole. 1 *Lev.* 29. *Raym.* 15. Tho' it is mentioned in *Noy's Reports*, that a Tenant in common may bring an Action of Trespass against his Companion; because he destroys the same Thing granted them in their Tenancy. *Noy* 14.

In the Main Sea, or an Arm of the Sea, the Owners may not lose their Ship by any Claim of *Deodand*, to be forfeited to the King or Lord of the Manor, tho' any body be drowned out of it, or otherwise receive their Deaths; because on such Waters Ships are by Winds and Tempests unavoidably subject to Dangers: But a Ship or Vessel being upon a fresh River, as at *Rotherith* on the *Thames*, &c. where there are no such Hazards, may become *Deodand* and forfeited in such Case. 3 *Inst.* 58. *Mich.* 29 *Car. B. R.*

Where a Ship is sold, together with her Tackle, Furniture, Apparel and Appurtenances; by these Words, the Ship's Boat is not conveyed, but that remains still the Owner's: And Ballast is no Part of a Ship's Furniture. 1 *Roll.* 530. *Jure Marit.* 194.

*A Bill of Sale of a Ship is made in this Form:*

To all People to whom these Presents shall come, I *A. B.* of, &c. send Greeting: Know ye that I the said *A. B.* for and in Consideration of the Sum of 200*l.* of lawful Money of *Great Britain*, to me in Hand paid by *C. D.* of, &c. the Receipt whereof I do hereby acknowledge, have granted, bargained and sold, and by these Presents do grant, bargain and sell unto the said *C. D.* one full eighth Part of the Ship called, &c. of the Burthen of three Hundred Tuns or thereabouts, and whereof one *E. F.* is at present Master, now riding at Anchor on the River *Thames* in the Port of *London*, together with one full eighth Part of all the Masts, Sails, Sail-Yards, Anchors, Cables, Ropes, Cords, Boats, Oars, Pieces of Ordnance, Guns, Gunpowder, Shot, Tackle, Apparel, Ammunition and Furniture to the said Ship belonging or appertaining: To have and to hold the said eighth Part of the said Ship, and all other the Premises hereby granted, bargained and sold, with the Appurtenances, unto the said *C. D.* his Executors, Administrators and Assigns, as his and their own proper Goods, and to his and their own proper Use and Uses for ever. And I the said *A. B.* do for my self, my Heirs, Executors and Administrators, covenant and grant to and with the said *C. D.* his Executors, Administrators and Assigns, that I the said *A. B.* at the Time of the Sealing and Delivery of these Presents, am the true and lawful Owner and Proprietor of the said eighth Part of the said Ship and Premises hereby granted, with the Appurtenances, and have full Power and lawful Authority

rity to grant and convey the said eighth Part of the said Ship and Premises hereby mentioned to be granted, with the Appurtenances, unto the said *C. D.* his Executors, Administrators and Assigns, in Manner and Form aforesaid. And that it shall and may be lawful to and for the said *C. D.* his Executors, Administrators and Assigns, from Time to Time, and all Times hereafter, peaceably and quietly to have, hold and enjoy, the said eighth Part of the said Ship, and all other the Premises hereby granted, with the Appurtenances, without any Disturbance, Molestation, or Interruption of me the said *A. B.* my Executors, Administrators or Assigns, or of any other Person or Persons whatsoever, lawfully claiming, or to claim from, by or under me, them or any of us. *In Wituefs, &c.*

The *Master* of a Ship or Vessel is to be chosen by the part Owners in Proportion to their Concerns, not by the Majority; and that Man which is most able is to be preferred. As the whole Charge of the Vessel and Lading are committed to the Master, the Owners should be very careful who they admit to be Commander of their Ship; and he ought to be a Person of Honesty, as well as Ability and Experience.

The Law looks upon a Master as an Officer, who must give an Account for whatever he has under his Care and Custody, and on Failure render Satisfaction; therefore if any Misfortune happens by the Negligence, Wilfulness, or Ignorance of himself or his Mariners, he must be answerable for it. As soon as Goods and Merchandize are put aboard the Ship, whether she be riding in Port, Haven, or any other Part of the Seas, he  
that

that is Master; or *Exercitor Navis*; is chargeable therewith; and if the same be there lost or purloined, or sustain any Damage, either in the Haven or Port before, or upon the Seas after she is in her Voyage; he must answer the Damage; for the very Lading of the Goods on Board the Ship doth subject the Master to answer the same. *Hob. Rep.* 11. *Jure Marit.* 197.

A Merchant sent Goods aboard a Ship; and the Master having signed his Bills of Lading for the same, the Goods were stowed; but in the night divers Persons, under Pretence that they were Press-Masters, entered the Ship and robbed her of those Goods and Merchandize; and in an Action brought by the Merchant against the Master of the Ship, it was made a Question, whether he should answer for it? And it was alledged on his Part, that there was no Default or Negligence in him; for he had a sufficient Guard, the Goods were all lockt up under Hatches, and that the Thieves came on the Pretence aforesaid and robb'd the Ship, and he could not have prevented the same: But it was notwithstanding adjudged, that as Master he must at his Peril see that all Things are forthcoming that were delivered to him; let what Accident will happen, (the Act of God, or an Enemy only excepted) and for Fire, Thieves and the like, he is obliged to answer, and is in the Nature of a common Carrier; tho' it is at the Merchant's Election to charge either the Master, or the Owners, or both at his Pleasure, but he can have but one Satisfaction. *Hill.* 23 *Car.* 2. *B. R.* 2 *Lev.* 69. But see 1 *Mod.* 85.

The Master is subject to answer Damage in all such Cases where the Lading was brought aboard

either by his Consent or his Purser's; but all such Goods as shall be secretly brought without being entered in the Clerk's or Purser's Book, or in the Bills of Lading, the Master shall not be compelled to see forth-coming; unless they be such Things as the Parties bring into the Ship about them, as Clothes, Money, or the like, which being seldom entred, yet most commonly are visible, and the Master by Law is responsible for them. So likewise if a Master forewarn a Passenger to keep his Goods, and he will not take care of them, if they be lost or purloined by the Ship's Crew, the Master shall not be obliged to see them forth-coming; here the Master is not held answerable in Case of a Loss, especially if there be any Thing of an Agreement concerning them. *Jure Marit.* 215, 216.

But if Goods shall be sent aboard a Ship, and the Master shall appoint a Cabin for the same, and deliver the Key thereof to the Shipper, and tell him he will not be answerable if a Loss happens; yet if the Goods are stole, he must make Satisfaction. And if a Master shall receive Goods at any Key, or send his Boat for them, and they happen to be lost, he shall likewise answer both by the Maritime and Common Law. *Moor's Rep. Trin.* 25 *Eliz.* *Jure Marit.* 216, 198.

If a Master commits any Offence wilfully, or thro' Negligence, he shall be answerable to his Owners, who may compel him to make Satisfaction for the Damage; and in such Case they may sue separately: So also if the Ship hath earned Freight, and Part of the Owners have received their Parts, and the Rest have not, they may bring an Action for their Share, without joining with the others. *Hill.* 26 & 27 *Car.* 2.

And when Goods are transported for Hire, and no Contract is made with the Proprietors of the Ship, there the Master is chargeable for the Goods in respect of his Wages; and the Owners are so in respect of their Freight, that they receive for the Carriage thereof. *Per Holt Chief Justice.*

It is said that where Goods are once delivered to a Master, the Cargo is not subject to be attached in his Hands; for they are in Law as it were bailed to the Ship, until the Freight and all other Charges are paid. And it has been held, that as the Master or Owners of a Ship may have an Action for the Freight; either the one or the other are answerable where Goods are damaged in a Ship: But in Case there are several Owners, and one dissents from the Voyage, he shall not be liable to any Action afterwards for a Miscarriage, &c. *Comberb. Rep.* 116.

If Goods are so imbezled or damnified, that the Seamen or Mariners must answer; here the Owners and Master are to deduct the Amount of the Damage out of their Freight to the Merchants, and the Master shall do it out of the Wages of the Mariners: For tho' Freight is the Mother of Wages, it is also the very Father of Damage; and before a Mariner can claim his Wages out of what the Ship hath earned, the Ship must be acquitted from the Damage that the Merchant hath sustained by the Negligence or Fault of the Mariners: And the Reason is, for that the Goods being obliged to answer the Freight; so the Freight and Ship are tacitly engaged to clear the Damage; and when that is done, the Mariners shall then be let into their Wages. *Jure Marit.* 212.

The Law doth impute the Offences and Faults committed by Mariners, or if done by Passengers aboard the Ship or others, to be the Negligence of the Master, to make him liable; and were it otherwise, the Merchant would be in a very dangerous Condition: And further Reasons why he ought to be answerable for his Men, are because the Mariners are of his own chusing, and under his Correction and Government, and know no other Superior on Ship-board but himself; and if they are Faulty, he may correct and punish them, and likewise if the Fact is apparently proved against them, may reimburse himself out of their Wages due. *Pasch. 11 Jac. B. R. 1. 2 Roll. Abr. 530.*

A Master of a Ship hath Power to freight out the Vessel, take in Goods and Passengers, mend and furnish the Ship; and for that purpose, if need be in a strange Country, he may borrow Money with Advice of his Mariners, upon some of the Tackle, or sell some of the Merchandize: And if Part of the Goods shall be sold in such Necessity, the highest Price that the Remainder are disposed of for must be answered and paid to the Merchant, after which such Merchant is to pay for the Freight of those Goods, as well as for the remaining Merchandize; but if the Ship in the Voyage happens to be cast away, then only the Price shall be tendered that the Goods so sold were first bought for. *Leg. Oleron 1.*

Such is the Duty of a Master of a Ship that is provident, that he ought not to make sail and put forth to Sea, without the Consent of his Company; if he doth, he shall answer the Damages arising thereby. And he is not to set sail without a sufficient Number of able Mariners;

ners; nor in tempestuous Weather; neither must he stay in Port or Harbour without just Cause, when a fair Wind invites his Departure: Also he must not proceed in his Voyage with insufficient Rigging or Tackle; or with other or fewer Cables than is usual and requisite, respect being had to the Burthen of the Vessel; and if any Damage happens by the Delivery of the Goods into the Lighter, as that the Ropes break and the like, there he must answer; but if the Lighter comes to the Wharf, and then in taking up the Goods a Rope breaks, the Wharfinger is liable. *Leg. Oleron 2. Co. Entr. 3.*

If a Commander of a Ship shall break ground or endeavour to sail away, after an Embargo is laid upon Shipping by the State, he shall be answerable for all Damage which shall accrue: The Reason is, because his Freight is due, and must be paid, tho' his Goods be seized. He ought not to refuse Payment of the just and ordinary Duties and Port Charges to the Hazard of any of his Lading; but if the Officers insist upon more than is due, and he offers what is just, and what he ought to pay, then he shall be excused: If by the Master's Default Confiscation of Goods or other Damage happen, for Non-payment of Customs, or false Bills of Entry in the Custom-House, or for transporting of unlawful Merchandize, the Master shall answer for the same, with the Interest. But concerning the Suing for such Goods, the Master may well do it; and notwithstanding, if it be found that the Merchant is in any Fault, then if the Master and four of his Mariners swear that there was no Fault in them, he will be cleared thereby. *Leg. Oleron. Jure Marit. 198. Lex Mercat. 103.*

The Master of a Ship, taking Linen or Cloths aboard, shall provide good Canvas, lest the Goods be damaged; he must not over-lade the Ship above the Birth-Mark; or take into his Ship any Persons of an obscure and unknown Condition, without Letters of safe Conduct: Nor ought he to lade any of his Merchant's Goods on board the Ship of an Enemy (tho' his own Ship be in Distress) without such Letters of safe Conduct; for if he does, the same may be made Prize, and he must make good the Damage. And he must not lade any prohibited Goods; in which Case he is not only answerable, but also for any Damage happening by any unreasonable Stowing or Breaking of Goods, and therein he and his Company may be put to their Oath. He ought not to ship any Merchandizes, but only at the publick Ports and Keys; and he may not make Use of any unlawful Colours, Ensigns, Pendants, Jacks, or Flags, whereby his Ship or Lading would be subject to Seizure. 18 *H.* 6. 19 *Eliz.* c. 9. 12 *Car.* 2. c. 18. 26 *Car.* 2.

He may not deviate in his Course without good Cause, or steer a dangerous and unusual Way, when he can have a more secure Passage; (tho' to avoid illegal Impositions, it is said he may somewhat change his Course) nor may he sail by Places infested with Pirates, Enemies, &c. or notoriously known to be unsafe; or near Rocks, or remarkable Sands, if he be not there-to necessitated by Violence of Wind and Weather, or deluded by false Lights. He shall not sneak into the Creeks, or other Places, when laden Homewards, but come directly into the King's great Ports, (unless he be driven in by Tempest)

Tempest) for in such Case he would incur a Forfeiture of the Merchandize, and is obliged to answer. *Jure Marit.* 200. 4 *H.* 4. c. 20. If several Ships are in Company on the same Voyage, the Masters are obliged, by the Marine Laws, to stay for one another; or shall be liable to the Damages that the others shall sustain from an Enemy, or Pirates. *Sea Laws* 198.

A Master is to deliver to the Owners the Names of all the Persons which he is to transport, and of his Mariners before he departs the Kingdom; and at his Return shall cause a true Inventory of the Goods of any Person which shall happen to die, to be delivered to them, that his Kindred and Friends may have Intelligence of it, and the Goods may be safe and forth-coming for one whole Year: But of these Goods in the mean time the Bedding and Appurtenances may be taken by the Master and Mate to their Uses; as also the Cloathing and other Things upon the Deceased's Body may be delivered to the Boats-man and the Company. The Master shall keep his Company in Peace; and if any Seaman shall be hurt in doing Service, he must take Care that he be healed; and if done by his Companion, the Charges shall be recovered of the other Mariner: In case a Mariner falls Sick, the Master shall order him to be laid in a House, with all Sustainment necessary and usual in the Ship; but shall not stay until he recovers; and when he is recovered to Health, must pay him his Wages, or if he dies shall give it to the Wife, or his nearest Friends. *Lex Mercat.* 103.

If Mariners want Money during the Voyage, the Master ought to lend it them; but he shall

not be answerable for the Contracts of his Men, for in such Case they may be detained: He ought to give his Mariners Flesh three Days a Week, and the other Days Fish or such like Victuals, with sufficient Drink. If thro' the Master's Fault the Ship-boat perish, with any Mariners in it, then shall the Master pay one whole Year's hire to the Heirs or Executors of the Persons drowned. *Lex Mercat. ibid.*

On a Ship's Arrival safe in Port, a Master is first to see that the Ship be well moor'd and anchored; and then he must not relade or set sail again until he hath been legally cleared, so as to have made Satisfaction for Damage, if any happened by Default of him or his Men, &c. And when any Master of a Ship shall arrive at *Gravesend*, he shall not be above three Days coming up the River to *London*; nor shall he touch at any Key or Wharf 'till he comes to *Chester's Key*; and he or his Purser are there to make Oath of the Burthen, Contents, and Lading of the Ship, to the best of their Knowledge; also where she took in her Lading, in what Country built, and how manned; who was Master during the Voyage, and who the Owners. *Stat. 12 Car. 2. c. 18.*

Nor shall the Master lade on board any Goods outwards to any Place whatsoever, without entering at the Custom-House the Name of the Ship and of her Master, the Burthen, Guns, Ammunition, and to what Place bound; and before he sets out shall bring in a Note under his Hand of the Names of every Merchant that shall have laid aboard any Goods, with the Marks and Numbers of all such Goods, and be sworn as to the same, under the Penalty of 100*l.* by the

14 *Car. 2. c. 11.* And if any Goods are landed on the coming of a Ship into Port, for which Duties are to be paid, without Entry made, and the Customs agreed, they may be seized, and a Door broke open for that Purpose, &c. 12 *Car. 2. Vide Customs.*

By late *Statutes*, If any Master of a Merchant Ship or Vessel shall, during his being abroad, force any Man ashore, or wilfully leave him behind, or refuse to bring all his Men home again who are in a Condition to return, he shall suffer three Months Imprisonment. *Stat. 11 & 12 W. 3. c. 7.* But no Master of a Ship shall bring into this Kingdom, from *Ireland, Jersey, &c.* or the Plantations, any vagrant Rogue, on pain of forfeiting 5*l.* And Masters of Ships bound for *Ireland, &c.* shall, upon a Warrant to them directed by a Justice of Peace, transport Vagrants at the Rates set at the Quarter-Sessions, under the like Penalty. 12 *Ann. c. 23.*

Masters of Ships are to take poor Apprentices, such Boys as are thirteen Years old, whose Parents are chargeable to the Parish; they must be bound with the Consent of two Justices, &c. to serve till they are Twenty-one Years of Age; and the Church-wardens and Overseers of Parishes shall pay the Master when such Boy is bound Apprentice, 2*l.* 10*s.* for Cloathing and Bedding, to be allowed him on their Account; and shall send the Indenture to the Collector of the Customs of the Port to which the Master shall belong, who shall register it, &c. A Master of a Ship, from thirty to fifty Tons, shall take one such Apprentice, one more for the next fifty Tons, where the Ship is larger, and one more for every hundred Ton above the first hundred;

dred; and refusing such Apprentices is liable to a Penalty. Poor Boys bound to other Employments may be turned over to any Master of a Ship; and the Widows and Executors, &c. of such Masters have Power to assign such an Apprentice to any other Master of a Ship. 2 *Ann. c. 6.* 4 & 5 *Ann. c. 19.*

Every Seaman serving on board any Ship, and Person employed upon the Coasts of *Great Britain* or *Ireland* in the taking of Fish which are brought fresh to Shore, and in Boats that trade from Place to Place, or in open Boats upon the Coasts, shall pay 6 *d.* per Month, for the better Support of *Greenwich Hospital*: And the Master of every Ship or Vessel is to detain the same out of the Mariners Wages, and pay it to the Person who shall be appointed by the Admiralty to receive it; and is to give an Account upon Oath, on pain of 10*l.* But Masters and Servants of Hoys, Smacks, or other Vessels belonging to *London*, and employed in bringing Corn, Fish, or other Provisions, shall not be liable to this Duty. 10 *Ann. c. 17.*

By the 8 *Geo. 2. c. 29.* it is enacted, that in Case any Seaman on board any Merchant Ship belonging to the Subjects of his Majesty shall be maimed in Fight against any Enemy, such Seaman shall be admitted into the Royal Hospital at *Greenwich*, as any other Seaman wounded in the Service of his Majesty. See *Navigation* and *Shipping*, also *Hypothecations*, &c.

## C H A P. V.

*Of Mariners and Seamen.*

A Mariner or Seaman is one under the Command of the Master of a Ship, that is hired to work therein and do all common Business for the Sailing, Guiding and Preservation of the Ship. The Ship's Crew are called Mariners, and owe all Obedience to the Master; who hath the supreme Rule on Shipboard, and therefore his Authority is much countenanced by Law.

If a Mariner rebels or commits a Fault, and the Master lifts up the Towel three Times before him, and he do not submit, the Master at the next Place of Land may discharge him: And if he refuses to go ashore, he shall lose Half his Wages and all his Goods in the Ship; but if the Mariner submits, he is to receive his whole Wages. And a Master of a Ship may justify the giving moderate and due Correction to his Men: But if a Mariner assaults the Master on Shipboard, he shall pay five *Sols*, or lose his Hand; yet it is said he may after one Stroke defend himself. *Leg. Oleron, c. 14.* By the ancient *Rhodian* Laws, the Masters, Mariners, &c. that failed together were to take an Oath of Fidelity, or mutual Engagement. *Sea Laws* § 3.

Mariners are not to depart from on Shipboard when they are in full pay, (which is always when they break ground) without the Master's Licence for so doing; and they may in no case quit the Ship without leaving a sufficient Number to guard her: And they must assist one another both  
at

at Sea and in Port, or upon the Oath of their Fellows of any Refusal shall lose their Wages: If Mariners in a strange Port leave the Ship, not having the Licence of the Master, or without fastning her with four Ropes, the Loss, if any happen, falls upon them; they are also to attend the Ship until she be discharged, and ballasted anew; and if any Mariner during the time of her Discharge or Lading labours not with the Rest of the Company, but absents himself, he shall pay a Fine to the others *pro rata*: And the Mariners are not only to discharge and deliver Goods out of the Ship, but likewise if no Porters or Carriers be in those Parts, they must carry the same themselves for such Hire as other Workmen should have had for it. *Lex Mercat.* 104, 105.

In a strange Country, one half of the Seamen at least ought to remain on Ship-board; and those who go on Land are to keep Sobriety and abstain from suspected Places, and not absent on pain of being punished like unto him who absents when the Ship is ready to sail. If it happens otherwise than well with the Master, the Mariners are obliged to bring the Ship to the Port from whence she was freighted, without any Delay, except it be otherwise provided: And a Mariner shall forfeit his Wages, if the Ship break in any Part, and he doth not help with all his Diligence to save the Goods on board. *Ibid.*

Where a Mariner is hired, and he deserts the Service before the Voyage is ended, by the Law Marine and the Common Law he shall lose his Wages: And it has been adjudg'd, that if the Ship do not return, but perishes at Sea, either by Tempest, Enemies, Fire, &c. the Mariners shall not have their Wages; for if they were allow'd

low'd to have Wages in these Cases, it is presumed their best Endeavours would be wanting to preserve the Ship; and the Mariners shall lose their Wages; as well as the Owners their Freight. If the Ship unlade any Part of the Cargo, the Mariners shall have their Wages; but if after they have unladen the Vessel at any Port abroad they demand the same, with an Intention of leaving the Ship, the Master may detain a reasonable Proportion thereof as his Security, till they have brought back the Ship. *Leg. Oleron, c. 18. 1 Siderf. Rep. 179. 1 Keb. 830.* It was held by *Holt* Chief Justice, that if a Ship is lost before she arrives at any Port of Delivery, the Seamen lose all their Wages; if she be lost after she comes to a Port of Delivery, then they only lose their Wages from the last Port of Delivery; but in case they run away, tho' after they come to any Port of Delivery, they lose all their Wages. *Hill. 13 W. 3. 3 Salk. Rep. 23.*

A Mariner being hir'd for a simple Mariner, if afterwards in the Voyage he finds hiring to be a Pilot, or other Officer of a Ship, by the Law Marine he may pass over, restoring his former Hire; and so it is if he marry abroad: But if a Mariner shall depart the Ship at the Master's Command, and the Master do not take another, if any Damage happens to the Ship or Goods the Master must answer. Mariners may not carry out of the Ship any Drink, nor above one Meal of Meat; and if they imbezil the Goods on board, &c. they are accountable to the Master, the Master to the Owners, and the Owners to the Merchant or Freightier. Tho' in case of a Storm, if Goods are cast over-board for lightning the Ship, the Mariners making oath that it was

was done for preserving the Vessel shall discharge the Master: So if Goods or Merchandize in such case receive Damage at Sea, by the Oath of the Master and Mariners they may be clear'd. *Leg. Oleron, c. 7, 14.*

If a Mariner shall commit any Fault by reason of which the Master, Owners or the Ship answers Damage to the Merchant, an Action well lies against him. But when a Mariner is on Ship-board, he ought not to be arrested by any one for Debt, nor be taken away from thence; for the Ship is compared to a Man's Dwelling-house, which is as his Castle and a sure Refuge by Law; unless it be for a sworn Debt, or Penalty to the King, &c. The Wages and Goods of such Mariner shall in these cases be liable; and if a Mariner takes up Money or buys Clothes on Credit, and the same is enter'd in the Purser's Book, this will entitle the Purser to a Discount of so much of his Wages, as the same amounts unto. *Jure Marit. 212. Lex Mercat. 105.*

In case a Ship happens to be seized for Debt, or otherwise become forfeited, the Mariners shall receive their Wages; except thro' any Act of theirs there be a Forfeiture of all: If the Ship be laden with prohibited Goods, as Wool, and the like, tho' it subjects the Vessel to Forfeiture, yet it deprives not the Mariners who have faithfully performed their Part of their Hire, for which the Ship is obliged. *Trin. 7 Jac. B. R.* A Mariner may either keep his Portage or Allowance of Goods in his Hands, or let the same out to freight; by the Laws of *Oleron. Lex Mercat. 104.*

The Act 2 Geo. 2. c. 36. For better Regulation of Seamen in Merchants Service, has ordained that

no Master or Commander of any Ship or Vessel shall carry any Seaman or Mariner, except his Apprentices, to Sea, without first coming to an Agreement or Contract for their Wages, which Agreement shall be in Writing signed by the Master and Mariners, on pain of forfeiting 5*l.* to the Use of *Greenwich* Hospital, to be recovered by Information upon the Oath of one or more Witnesses, before a Justice of Peace, &c. And if any Seaman or Mariner shall desert, or refuse to proceed in the Voyage on board any Vessel after he has signed such Contract, he shall forfeit to the Owners of the Ship the Wages due to him at the time of his deserting or refusing as aforesaid: And in case he deserts from any such Ship, wherein he hath so contracted to serve, any Justice of the Peace may issue his Warrant to apprehend such Seaman; and on his Refusal to proceed on the Voyage the Justice may commit him to the House of Correction, to be kept to hard Labour not exceeding thirty Days, nor less than fourteen.

And by the same Statute, if any Seaman shall absent himself from the Vessel to which he belongs, without Leave of the Master or other chief Officer having the Charge of such Ship, he shall for every Day's Absence forfeit two Days pay for the Use of *Greenwich* Hospital; and if he shall leave the Vessel to which he belongs before he hath a Discharge in Writing from the Master, he shall forfeit one Month's pay to the Uses aforesaid: And the Masters or Owners of Ships are empowered to deduct out of the Wages of any Seaman the Penalties and Forfeitures incurred by this Act; and those Penalties which are to be applied to the Use of *Greenwich* Hospital shall

shall be paid by the Masters of Ships to the Officer at any Port who collects the *bd. per Month* deducted out of Seamen's Wages for the Use of the said Hospital; and neglecting to do it within three Months, they shall forfeit treble Value. *Ibid.*

Also, by the said Act, on the Arriving of any Ship in *Great Britain*, from Parts beyond the Seas, the Master shall be obliged to pay his Seamen their Wages within thirty Days, if demanded, (except the Contract for serving be to the contrary) or at the time the Seamen shall be discharged, which shall first happen, deducting thereout the Penalties and Forfeitures; and not paying the same shall be liable to a Penalty of 20*s.* over and above the Wages due to each Seaman, to be recovered by the same Ways as the said Wages are recoverable; and no Seaman or Mariner shall fail in any Suit for Recovery of his Wages, for want of producing the Contract with the Master, on whom it lies to produce the same if necessary.

This Act shall not extend to debar any Mariner or Seaman, belonging to any Merchant Ship or Vessel, from entering into his Majesty's Service on board any of his Ships; nor shall such Seaman or Mariner, for his Entry therein, forfeit the Wages due to him during the time of his Service in such Merchant Ship or Vessel; nor shall such Entry be judged a Desertion from the Ship. *Stat. 2 Geo. 2.*

By the Statute of 1 *Geo. 2. Sess. 2. c. 14.* for encouraging Seamen voluntarily to enter into the King's Service, &c. The Governors, Ministers and Consuls in foreign Parts, or where none such are resident, any two or more *British* Merchants there residing, are authorized and required to

to provide for all Seamen, Subjects of *Great Britain*, that shall by Shipwreck or other unavoidable Accident be driven or cast away in such foreign Parts or Places; and shall subsist them by an Allowance after the Rate of 6*d.* *per Diem* each, &c. and put them on board the first Ship of War arriving there in convenient time, or they may be sent by any Merchant Ships wanting Men, or others bound for any Port in *Great Britain*.

And Masters of Ships abroad shall take on board four Men for each hundred Tons of which their Vessels consist, and receive from the Commissioners of the Navy 6*d.* a Day, for the Passage and Provision of every Seaman, from the Day of their Imbarkation homewards; on producing a Certificate of the Men's being taken on board, and the time when, &c.

By the *Stat. 1 Geo. 2. c. 36.* No Master of a Ship to employ Seamen without Contract in Writing on pain of 5*l.* and deserting afterwards they may be apprehended by Justice's Warrant, and committed to the House of Correction, &c. If any Seaman desert on the Voyage he shall lose his Wages; absenting without Leave, to forfeit for every Day two Day's Pay; and if he quits the Ship before discharged, he incurs the Forfeiture of one Month's Pay to the Use of *Greenwich* Hospital: On the Arrival of Ships Masters to pay the Seamen their Wages in thirty Days, under a certain Penalty, &c. Seamen belonging to a Merchant Ship not debarred from entering into the King's Service.

By the Acts 9 *Geo. 2. c. 25.* and 10 *Geo. 2. c. 14.* A small Sum of so much *per Ton* is to be paid by all Masters of Vessels, &c. trading from any Part of his Majesty's Dominions to *Cadiz*,

and Port *St. Mary's* in *Spain*, or to the Port of *Leghorn*, to Persons appointed by the Consuls and a Majority of *British* Merchants there; and such Masters paying it shall be reimbursed by their Freighters, or the Persons to whom the Goods are consigned, &c. and the Money to be applied for relieving Seamen Shipwreck'd, or taken in War, and other Persons being *English* Subjects in Distress in the said Ports.

By *Stat. 13 Geo. 2. c. 17.* Persons of fifty-five and under eighteen Years of Age, Foreigners in Merchants Ships or Privateers, are exempted from being pressed; also all Persons for two Years from their first using the Sea, and Apprentices for three Years.

By *Stat. 20 Geo. 2. c. 38.* A Corporation is created by the Name of the President and Governors, for the Relief and Support of sick, maimed and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, or drowned in the Merchants Service, who may purchase Lands for building an Hospital.

No Seaman an Object of this Charity unless he has served five Years in the Merchants Service, and paid 6*d.* a Month during that time for the Purposes of this Act; which Money the Master of every Merchant Ship is to detain out of every Seaman's Wages (Apprentices, &c. excepted) and pay the same to such Officers as the President and Governors shall appoint to receive the same. Seamen shipwreck'd or taken Prisoners by the Enemy may be relieved. Masters and Seamen in the *East-India* Company's Service excepted out of this Act.

*A Letter of Attorney to receive a Seaman's Wages, and his Will, may be made as follows :*

Know all Men by these Presents, that I *A. B.* of, *Es.* Mariner, have made, ordained, constituted and appointed, and by these Presents do make, ordain, constitute and appoint my loving Wife *M. B.* my true and lawful Attorney for me, and in my Name, and for my Use to ask, demand and receive of and from all and every Person and Persons whatsoever, as well all such Sum and Sums of Money as now are, or which shall or may at any Time hereafter become due and owing to me, for Wages from the good Ship called, *Es.* wherein I am now proceeding in a Voyage to, *Es.* and from any Ship or Ships to which I may belong; as also all other Monies now due, or to become due and owing unto me by any other Ways and Means whatsoever. And upon Non-payment thereof, the said Person and Persons, his, her or their Executors or Administrators, for me and in my Name, to sue, arrest, imprison, implead and prosecute for the same; and upon such Suit to proceed to Judgment and Execution: And thereupon the said Person and Persons, their or either of their Executors and Administrators, in Prison to hold and keep until Payment thereof be made, with all Costs and Damages sustained and to be sustain'd by Reason of the Detaining of the same; and on Payment thereof, the said Person and Persons, their and either of their Executors and Administrators, forth of Prison to Discharge, and Acquittances for me and in my Name to make, seal and deliver; and also to do, perform and execute all and

E 2

every

every other lawful and reasonable Acts and Things whatsoever, both for obtaining and discharging the same, as shall be needful to be done : Giving and by these Presents granting unto my said Attorney my full and absolute Power in the Premises, and ratifying and holding firm all and whatsoever my said Attorney shall lawfully do or cause to be done in or about the Premises, by Virtue of these Presents. *And* I the said *A. B.* considering the great Uncertainty of Life, do make and declare these Presents to contain also my Last Will and Testament, (that is to say) *First* I give and bequeath unto, &c. *Also* I give to, &c. *Also* all such Wages, Debts, Sum and Sums of Money, Goods, Chattels and Estate whatsoever, whereof at the Time of my Decease I shall be possessed or interested, I do give, devise and bequeath the same unto my said loving Wife *M. B.* whom I do hereby nominate, constitute and appoint sole Executrix of this my Last Will and Testament; hereby revoking all former Wills by me made. *In Witness* whereof I have hereunto set my Hand and Seal the Day, &c. in the Year of our Lord, &c.

Personating Mariners, and receiving their Wages; and forging Letters of Attorney, Wills, &c. or falsely taking out Letters of Administration for the Receipt of Seamen's Wages, incurs a Forfeiture of 200*l.* besides all other Penalties. See *Stat. 9 & 10 W. 3. c. 41.*

Vide *Jurisdiction of the Admiralty*, Vol. II.

CHAP.

## C H A P. VI.

*Of Affreightment and Freight, and Charterparties.*

**A**ffreightment signifies the Freight of a Ship, and Freight is the Money paid for Carriage of Goods by Sea; or in a larger Sense, it is taken for the Cargo, or Burthen of the Ship.

Ships are freighted either by the Ton, or by the Great; and in respect to time, the Freight is contracted and agreed for at so much *per* Month, or at a certain Sum for the whole Voyage: If a Ship freighted by the Great shall happen to be cast away, the Freight is lost; but if a Merchant agrees by the Ton, or at so much for every Piece of Commodities, and by any Accident the Ship is cast away, if Part of the Goods are saved, some are of Opinion, she ought to be answer'd her Freight *pro rata*: And when a Ship is insur'd, and such a Misfortune happens, the Insur'd commonly transfer those Goods over to the Assurers, towards a Satisfaction of what they make good, by Virtue of their Subscriptions. *Lex Mercat.*  
100.

If a Ship is freighted after the Rate of twenty Pounds for every Month that she shall be out, to be paid after Arrival in the Port of *London*; and the Ship happens to be cast away coming up from the *Downs*, but the Lading is all preserved, the Freight in this Case shall be paid: For the Money becomes due monthly by the Contract, and the Place mentioned is only to ascertain where

the same is to be paid; and the Ship is entitled to Wages, like unto a Labourer or Mariner that serves by the month, whose Executors are to be answered *pro rata* if he dies in the Voyage. Besides the Freight is due by Intendment of Law on the bringing up of the Commodities to the Port of *London*, and their Delivery there, and not of the Ship. *Jure Marit.* 224, 225.

A Contract is made between a Merchant and a Master of a Ship, that if he carries the Merchant's Goods to such a Port, the Merchant will then pay him so much Money for Freight: In making the Voyage the Ship is robb'd by Pirates, and Part of her Lading taken forth, and afterwards the Remainder is brought to the Port of Discharge; here the Sum agreed upon for the Freight is not become due, for the Agreement is not performed on the Part of the Master, and this is a conditional Contract. But it is otherwise by the *Civil Law*; for by that Law the same is a Danger of the Sea, which if not express'd in Naval Agreements, yet is naturally implied, and there was no Default in the Master or his Mariners: And had those Goods, which the Pirates carried away, been thrown over board in Strefs of Weather, it would not have worked a Disability in the Master to receive the Sum agreed on; because both by the Common Law, and the Law Marine, the Act of God, or that of the Enemy, shall not have an Effect to work a Wrong in Actions private: But a Pirate is not esteem'd an Enemy in our Law. 1 *Brownl.* 21. 1 *Co. Rep.* 97.

It was covenanted by Charterparty, that a Ship should return within the River of *Thames* by a certain time, (Dangers of the Seas excepted) and in the Voyage, within the time for the Return, the

the Ship was taken upon the Sea by Pirates, so that the Master could not return to the River *Thames* at the exact time mentioned in the Agreement: Here in the case of *Pickering* and *Berkley* it was resolved, that this Impediment was within the Exception; and the Words *Dangers of the Seas excepted*, intend as well any Danger upon the Seas by Pirates and Men of War, as Dangers of the Sea by Shipwreck, Tempest, or the like. And in this Case, before Judgment was given, a Certificate of Merchants was read in Court, by Order of *Roll Just.* that the Taking by Pirates is amongst Merchants accounted Perils of the Sea. *Stile's Rep.* 132. 2 *Roll. Abr.* 248.

If in Case of Freight a time is fixed and agreed upon between the Merchant and a Master of a Ship, for the Commencement and Finishing of the Voyage, it may not be altered by the Super-cargo, without a special Commission from the Merchant: If it be agreed, that the Master shall sail from *London* to any Port abroad, in two Months, and Freight is accordingly agreed on, tho' the Master doth not arrive at the Port within the time, if he begins the Voyage during the two Months, the Freight shall become due. And so where an Agreement is made for the Ship to sail the first fair Wind, or Opportunity, and she does not, yet afterwards breaks ground and arrives at her Port, the Freight will be due; for Departure intitles the Master to the Freight, and to say the Ship did not depart with the next Wind is but a Circumstance, which in Strictness of Law is not traversable: But if a Master shall weigh Anchor, and proceed in his Voyage, after a certain time agreed upon for his Departure, he is liable to

make good all Casualties at Sea, and Misfortunes whatsoever. *Pasch. 2 Car. 1. Popb. 161.*

In mutual Covenants between a Master of a Ship and a Merchant, wherein the Master of the Ship covenanted to sail with the first fair Wind to *Barcelona*, and that the Mariners should attend with a Boat to relade the Ship, and then he would return with the first fair Wind to *London*, and there unload and deliver the Goods; the Merchant covenanted to pay him so much for Freight, and so much a Day during his staying in Port there for Demurrage. The Master brought his Action for the Money due to him for the Freight, and the Demurrage; and declared that he sailed at such a time with the first fair Wind, and so on according to the Agreement: To this the Merchant pleaded as to the Freight, that the Ship did not return directly to *London*, but went to *Allicant* and *Tangier*, and made divers Deviations, whereby the Goods were spoiled; and as to the Demurrage, the same was occasioned by the Negligence of the Mariners, in not attending with the Boat to relade the Ship. But the Plea was held insufficient, and the Plaintiff (the Master of the Ship) had Judgment; for the Covenants are mutual and reciprocal, upon which each hath his Action against the other, and cannot plead the Breach of one Covenant in Bar of another; and therefore the Merchant (the Defendant) ought by Action to recover his Damages sustained. *3 Lev. Rep. 41. Hill. 13 Car. 2.*

If the Freighter of a Ship shall put on board prohibited or unlawful Merchandizes, by which the Ship is detained, or the Voyage impeded, he shall answer the Freight contracted for: And when a Ship is out at Sea, and taken by an Enemy,

my, if afterwards she be retaken by another Ship in Amity, and Restitution is made, whereupon she proceeds in her Voyage, the Contract for Freight is not determined; for tho' the taking by the Enemy devested the Property out of the Owners, yet by the Laws of War that Possession was defeasible, and being recovered in Battle afterwards, the Owners became re-invested: So that the Contract by Fiction of Law, is of the same Validity, as if the Ship never had been taken; and the intire Freight becomes due accordingly. *Style 220. 7 R. 2. Statbam Abr. 54.*

Where a Ship is freighted *out and in*, no Freight is due till the whole Voyage is performed; so that if the Ship be cast away coming home, the Freight outwards as well as inwards becomes lost: But if Goods and Merchandize are fully laden aboard, and the Ship having broke ground, the Merchant after that on Consideration resolves not to adventure, but will unlade again; by the Law Marine the Freight is deserved. If a Ship in her Voyage happens to become unable to perform it, without any Fault in the Master; or the Master or Ship be arrested by some foreign Prince or State; the Master may repair his Ship to make her capable of the Voyage, or may freight another Ship: And if the Merchant will not agree to the same, then the Freight will be due for so much as the Ship hath earned; for otherwise the Master is answerable for all Damages that shall happen. And therefore, if the Ship to which the Goods are translated perish, the Master must answer; but if both the Ships perish, then he is discharg'd: And if the Ship be in a sinking Condition, so that there is an extreme Necessity, the Goods may be put into any empty Vessel passing

sing by, which in all Appearance seems sufficient; and if that Ship sinks or perishes, he is there excused. *Leg. Oleron* and *Rhod. Trin.* 9 *Jac.* 1. *B. R.* 1 *Brownl.*

If Part of the Lading be on Shipboard, and thro' some Misfortune happening to the Merchant, he has not his full Lading aboard at the time agreed, the Master is at Liberty to contract with another, and shall have Freight by way of Damage for the time those Goods were on board; for these Agreements are in Law upon a Condition precedent, and any Failure as to compleat Lading will determine the same, unless afterwards affirmed by the Master's Consent: This is the highest Justice, that the Ship and Master should be free in these Cases; and that by the Delay of the Merchant, on shipping a small Quantity of Goods, the Master may not lose the Season of the Year, or be defeated of the Opportunity of Passage. *Jure Marit.* 218, 219.

And on the other hand, if the Vessel is not ready, and part of the Goods are on Shipboard, the Merchant may ship the Remainder of his Goods aboard another Vessel, and discharge the first Master; and may also recover Damages against such Master or the Owners for the Rest; which is grounded upon the like Reason as the former: Tho' by the Marine Law, Chance or some other notorious Necessity will excuse the Master; but then he loseth his Freight till such time as he breaks ground, and until that time he sustains the Loss of the Ship. But if the Fault be in the Merchant, he is to answer for the Damage to the Master and the Ship; or according to the *Rhodian* Laws, shall be obliged to provide for the Ship's Crew ten Days at his own Charge; and

and after that shall pay the full Freight: And if there be any Damage afterwards, the Merchant must run the Risk of that, and not the Master or Owners. By our *Common Law* it seems to be otherwise; for so long as the Master hath the Goods on Shipboard, he is to see them forthcoming. *Leg. Oleron, c. 21. Mich. 10 Car. 1. 3 Cro. Rep. 383. 2 Cro.*

Where a Ship is not ready to take in, or the Merchant not ready to lade aboard Goods, the Parties are at Liberty; but nevertheless the Person damnified on either Side may bring an Action against the other, to recompence and make Satisfaction for the Detriment sustained: It has been held, that by the Common Law of *England* the Party thus damnified by Action of the Case shall recover Damages on the Agreement; and by the Naval Laws of *Rhodes*, if there be an Agreement, and Earnest given thereon, but no Writing made, and the same is broke by the Merchant, he loseth his Earnest; and if it be broke by the Owners of the Ship, or the Master, they forfeit double the Earnest given. *Leg. Rhod. Artic. 19.*

If any Ship or Vessel is freighted from one Port to another, and so to divers Ports, on what is called a trading Voyage, this is all but one Voyage, if it be in Conformity to the Charterparty or Agreement: And generally the touching at several Ports by Agreement, imports not a Diversity, but a Voyage entire; but if the Ship otherwise puts into any other Port than what she was freighted to, the Master by the Laws of *Oleron* shall answer Damage to the Merchant; unless he be forced in by Storm, Enemies, or Pirates, and then he must sail to the Port agreed at his own  
Expence.

Expende. And where a Master freights out a Ship, and afterwards privately takes in other Goods, unknown to the first Laders, he shall lose his Freight; and if here it falls out that any of the Freighters Goods for the Safety of the Ship shall be cast over-board, the Rest of the Merchandize shall not be subject to the Average, but the Master out of his own Purse shall make good the same. *Leg. Oleron, Leg. Naval. Rhod. c. 25.*

Leakage occasioned by Storm may in common cases come into an Average: And if Freight be taken for an hundred Tons of Wine, and twenty of them leak out, so that there is not above eight Inches from the Buge upwards, the Freight notwithstanding becomes due; and one Reason thereof is, because from that Gage the King can demand his Customs; but if they be under eight Inches, in the Opinion of some the Freighters may chuse to resign them to the Master for Freight, and thereby be discharged: But most Persons conceive otherwise, and hold, that if all the Wine had leaked out, (if there was no Fault in the Master) there is no Reason the Ship should lose her Freight; for the Freight arises from the Tonnage taken, and in some Places abroad, particularly at *Bordeaux*, the Master is not allow'd to stow the Goods, but it is done by a particular Officer appointed for that Purpose. *Hill. 26 & 27 Car. 2. in B. R.*

In Case a Ship shall be freighted for two hundred Tons, or any other Number of Tons more or less, adding *or thereabouts*, this Addition is commonly understood to be within five Tons, the Moiety of the Number Ten, whereof the whole Number is compounded. If a Charter-party

party is made, reciting the Ship to be of the Burthen of One hundred and fifty Tons, and Freight is agreed for at a Sum certain, to be paid at her Return; the Sum agreed shall be paid, tho' the Ship falls short of that Burthen; and if no Burthen is expressed, the Sum must be paid: But if a Ship freighted by the Ton shall be found less than the Burthen mentioned, there shall be no more paid than for the real Tons. *Lex Mercat.* 100.

And the Lading of a Ship, in Construction of Law, is bound for the Freight, which in point of Payment shall be preferred before any other Debts to which the Goods so laden are liable, tho' such Debts as to time were precedent to the Freight; and the Actions touching the same the Law construes favourably for the Ship and the Owners. Where a Merchant unadvisedly takes Freight, and contracts with a Mariner, that is not a Master of a Ship, he has no Remedy against the Owners if a Loss ensues: But the Mariner may be subject to an Action. *3 Keb. Rep.* 444. *4 Inst.* 146.

A Master of a Ship is not bound to answer Freight to the Owners for Passengers, where it appears that they are not able to pay: And if Freight be contracted for the transporting of Women, and they happen in the Voyage to be delivered of Children on Shipboard, no Freight becomes due for such Children. If any Passenger dies aboard, the Master of the Ship is oblig'd to inventory his Effects; and if none lays Claim to them within a Year, the Master becomes Proprietor of the Goods, but defeasible. *Jure Marit.* 221.

If Freight be contracted for the Lading of certain Cattle from *Dublin* to *Chester*, and some of them die before the Ship's Arrival there; the whole Freight shall be paid, as well for the Dead as the Living: So where Slaves, &c. are sent aboard generally, and no Agreement is made for Lading or Transporting them. But if a Contract be for Transporting Slaves or Cattle; or that the Master shall have so much for every Head or Passenger, there arises due no more Freight than only for such as are living at the Ship's Arrival at her Port of Discharge, and not for the dead. *Ibid.*

Freight is governed by the Contract, when reduced into a Writing, commonly called a *Charterparty*, executed between the Owners and Merchant, or the Master in Behalf of himself and Owners, or himself and the Merchant, or between them all: In which the Master or Owners generally covenant to provide a Pilot, and other Officers and Mariners, and all Things necessary for the Voyage; and for the taking in and delivering out of the Lading. And the Charterparty doth settle the Agreement of the Parties, and what is to be paid by the Merchant for the Freight, as the Bills of Lading do the Contents of the Cargo; and binds the Master to deliver the Goods in good Condition at the Place of Discharge; and for Performance the Master obliges himself, Ship, Tackle and Furniture, to see the same done and performed. *Lex Mercat.* 99.

The Common Law always construes Charterparties, as near as may be, according to the Intention and Design of them, and not according to the literal Sense of Traders, or those that Merchandize by Sea; but they must be regularly pleaded. And if the Master of a Ship enters into  
a Char-

a Charterparty for himself and Owners, the Master in that case may release the Freighters, without advising with the Owners: Though if the Owners let out to Freight such a Ship whereof *A. B.* is Master, and he only covenants at the Bottom and subscribes his Name, here his Release will not bind or affect the Owners of the Ship; but their Release on the other hand shall conclude the Master; and the Reason is for that he is not a proper Party to the Indenture of Charterparty. *Trin. 29 Eliz. B. R. 2 Inst. 673.*

If without agreeing for the Freight by Charterparty, any Goods are put on board, the Master shall have Freight according to Custom; and if the Goods shall be sent to the Ship secretly, without the Master's Knowledge, the same may be subjected to what Freight the Master thinks fit. And as to the Master's answering for any Goods and Merchandize; when Coffers, Packs, or Vessels, or other marked Goods are delivered close packed or sealed, and afterwards shall be received open and loose, the Master is to be charged for it, until on due Trial he be acquitted thereof: Also he must answer for the Damage which Rats do in a Ship to any Merchandize, for want of keeping a Cat, as well as for any other Damage. *Lex Mercat. 102.*

And concerning the Marking of Goods, both the Common Law and the Civil Law have great Respect to it, in relation to the settling the Property of the Merchandize in the right Owner; so that if one Man shall use the Mark of another, to the Intent to do him Damage, or bring him into any Trouble, Action of the Case lies. *2 Cro. Rep. 471.* But this relates more to home Trade in general, and to ascertain the Goodness of  
Com-

Commodities, than to Goods usually freighted to Sea.

*A Charterparty of Affreightment is drawn in the following Form :*

This Charterparty indented, made, concluded and agreed upon, this Day of, *Éc.* in the Year of our Lord, *Éc.* Between *A. B.* of, *Éc.* Mariner, Master and Owner of the good Ship or Vessel called, *Éc.* now riding at Anchor at, *Éc.* of the Burthen of two hundred Tons, or thereabouts, of the one part, and *C. D.* of, *Éc.* Merchant of the other part, *Witneseth* that the said *A. B.* for the Considerations herein after mentioned, hath granted and to freight letten, and by these Presents doth grant and to freight let unto the said *C. D.* his Executors, Administrators and Assigns, the whole Tonnage of the Hold, Stern-Sheets and Half-Deck of the said Ship or Vessel called the, *Éc.* from the Port of *London* to, *Éc.* in a Voyage to be made with the said Ship, in manner hereafter mentioned, (that is to say) to sail with the first fair Wind and Weather that shall happen after, *Éc.* or before, *Éc.* next, from the said Port of *London*, with the Goods and Merchandize of the said *C. D.* his Factors or Assigns on board to, *Éc.* aforesaid, (the Dangers of the Seas excepted) and there unlade and make Discharge of the said Goods and Merchandizes, and deliver all the said Goods in good Condition and as they were delivered to him; and also shall there remain with the said Ship the Space of Twenty-one Days, and take into and aboard the same Ship again the Goods and Merchandizes of the said *C. D.* his Factors or Assigns, and shall then

then return to the Port of, &c. with the said Goods, in the time, &c. limited for the End of the said Voyage: *In Consideration* whereof the said C. D. for himself, his Executors and Administrators, doth covenant, promise and grant, to and with the said A. B. his Executors, Administrators and Assigns, by these Presents, that he the said C. D. his Executors, Administrators, Factors or Assigns, shall and will well and truly pay, or cause to be paid unto the said A. B. his Executors, Administrators or Assigns, for the Freight of the said Ship and Goods the Sum of, &c. (or after the Rate of four Pounds of, &c. the Ton, for every Ton of Goods and Merchandizes that shall be unladen of and from the said Ship, or at the Rate of, &c. monthly, accounting the Months as they shall fall out in the Kalendar, for every Month that the said Ship shall be in performing the said Voyage, and so in Proportion for a shorter time than a Month, to commence from, &c. and continue till the Ship's Return to, &c.) within Twenty-one Days after the said Ship's Arrival, and Goods return'd and discharged in good Condition at the Port of, &c. aforesaid, for the End of the said Voyage: And also shall and will pay for Demorage, (if any shall be by the Default of him the said C. D. his Factors or Assigns) the Sum of, &c. *per* Day, Daily and every Day, as the same shall grow due. *And* the said A. B. for himself, his Executors and Administrators, doth covenant, promise and grant, to and with the said C. D. his Executors, Administrators and Assigns, by these Presents, that the said Ship or Vessel shall be ready at the Port of *London*, to take in Goods by the said C. D. on or before, &c. next coming: And the said C. D. for himself, his

Executors, &c. doth covenant and promise, within ten Days after the said Ship or Vessel shall be thus ready, to have his Goods put on board the said Ship, to proceed in the said Voyage; and also on the Arrival of the said Ship at, &c. within ten Days to have his Goods ready to put on board the said Ship, to return on the said Voyage. *And* the said *A. B.* for himself, his Executors and Administrators, doth further covenant and grant to and with the said *C. D.* his Executors, Administrators and Assigns, that the said Ship or Vessel now is, and at all times during the said Voyage shall be to the best Endeavours of him the said *A. B.* his Executors and Administrators, and at his and their own proper Costs and Charges, in all things made and kept stiff, staunch, strong, well apparelled, furnished and provided, as well with Men and Mariners sufficient and able to sail, guide and govern the said Ship, as with all Manner of Rigging, Boats, Tackle, Furniture, Provision and Appurtenances, fitting and necessary for the said Men and Mariners, and for the said Ship during the Voyage aforesaid. *And lastly*, for the Performance of all and singular the Covenants, Grants, Articles and Agreements, herein contained, on the part and behalf of the said *A. B.* his Executors or Administrators, to be done and performed, the said *A. B.* binds himself, his Executors and Administrators, and especially the said Ship with her Tackle, Apparel, and Furniture, unto the said *C. D.* his Executors, Administrators and Assigns, in the Penal Sum of One Thousand Pounds of lawful Money of *Great Britain*, by these Presents. *In Witness* whereof the Parties above named

I

have

have to this present Charterparty interchangeably set their Hands and Seals, the Day and Year first above written.

---

## C H A P. VII.

### *Of Assurance or Insurance.*

THESE Terms signify a Security given in consideration of a Sum of Money paid to an Insurer or Assurer to indemnify the Person or Persons paying the same from such Losses as shall be agreed upon between the Parties and expressed in the Policy of Assurance: And the Price or Rate given for such Insurance is called the *Præmium*. Of these Insurances some are publick; done at the publick Offices of Assurance; and others are private, being agreed upon privately between the Merchant and Insurers.

All Insurances, whether publick or private, must be made upon the Ship, or on the Goods, or upon Ship and Goods; and are either to certain Places, or made general: Those made to Places certain, are of Goods laden or to be laden aboard outwards, until the same shall be laid ashore at such a Port; or on Goods laden or to be laden homeward, till the Adventure shall be landed; or upon Goods out or in. And where Ships insured make trading Voyages, deliver their Goods and Merchandize at one Port, and take in fresh Cargoes, and then proceed to other distant Places, and back again; this is a general Assurance, and being dangerous, the *Præ-*

## 68      Of Assurance or Insurance.

*mium* runs higher than that of any other certain Voyage. *Jure Marit.* 240.

It appears from History, that *Claudius Cæsar*, the *Roman* Emperor, was the first that brought in this Custom of Insurance, whereby the Danger of a Voyage is divided, repaired and borne by many Persons consenting and agreeing between themselves what part every Man will be contented to insure, make good and pay, if any Loss or Casualty shall happen to the Ship and Goods adventured; to the end that Merchants might enlarge their Traffick and Commerce, and not adventure all in one Bottom to their Ruin, but that the same might be answered by many, and thereby the Misfortune be made the easier: And this Custom is at present become so general and such Care is taken in the Policies which are now used, that scarce any Misfortune or Detriment can happen or come to the thing insured but what is provided for: So that most of those curious Questions which the Lawyers and Civilians of the last Age controverted are at present very little attended to.

An Office of Insurance was erected by *Stat.* 43 *Eliz.* and a Court for deciding Differences arising upon Policies of Insurance in *London*: But any Man at this day may make a private Policy of Insurance, which shall be as good and effectual in Law, to all Intents and Purposes, as one made and entered in that Office; and when this Court held cognizance, such a Policy might as well as now be sued at the Common Law. Tho' it has been held; that by the making of an Office Policy these Advantages may ensue; if the Policy of Insurance be lost, and the same be entered with the Register of the Office, the Entry is sufficient.

ficient to make the Parties answerable; but a private Policy lost is like a Deed burnt, and unless there be strong Evidence of it, as a Copy or the like, it will be of little Value, so that there will remain nothing but an equitable Relief in Chancery. *Jure Marit.* 240, 249.

There is no fix'd or certain Price for Insurances, which rise and fall according to the State of the Nation in Peace or War, the Situation of the Place, Season of the Year, and other various Occurrences.

As Goods and Merchandize are commonly insured, so likewise are the Ship's Tackle and Furniture; but in regard there seldom happens a Voyage but somewhat is missing or lost, a great *Præmium* is generally given in these Cases. And when a Ship at Sea hath been long missing, and no Advice can be had where she is, the *Præmium*, especially in time of War, will be very high, sometimes thirty or forty *per Cent.* But then these Words are inserted in the Insurance, *lost or not lost*; and in such case, tho' it happens that at the time the Subscription is made, the Ship is cast away, yet the Insurers must answer: But if the Party who caused the Insurance to be made, actually saw the Ship wreck'd, or had certain Intelligence of it; such Subscription will not be obligatory, for the same shall be accounted a meer Fraud. So likewise if the Assured having a rotten Vessel shall insure upon the same more than she is worth, and afterwards give order that going out of the Port the Ship should be sunk or wrecked, this will be adjudg'd fraudulent, and not oblige the Insurers to answer. *Mich.* 26 *Car.* 2. *Stockden's Case.*

A Vessel being coming Home in her Voyage laden, the Owners and Master agreed together to sell the Freighter's Goods privately, and then to go some small Distance out to Sea, and there sink the Ship, and pretend she struck and foundered by Extremity of Weather: This being so contrived, the Owners make a Policy of Insurance on the Vessel; the Goods were afterwards sold, and the Master with his own Hands made a hole in the Bottom of the Ship, with an Iron Crow, and convey'd himself and Mariners ashore, the Ship being in a sinking Condition. The Master hereupon sent Advice of the Loss to the Owners, who boldly demanded the Money insured, and brought an Action for the same; but before this Cause came to Trial, the Merchant that freighted the Vessel, commenced his Action of *Trover* for the Goods against the Owners, and therein the Fraud was detected, and Judgment given for the Plaintiff the Merchant: Also with this Intimation, that if the Owners proceeded in their Action on the Insurance, they must expect that their Practice and Fraud would totally poison it; so they went no farther. *Hill. 32 Car. 2. B. R.* Where 'tis now Felony, wilfully to cast away or destroy a Ship in such a Case, see *Stat. 12 Ann. 4 Geo. 1. c. 12.*

A London Merchant caused a Ship at *Calais* to be freighted for *Lisbon*, and to return back again to *Calais* or *London*; and the Ship going to *Lisbon* was there laden with Sugar, Pepper and other Commodities to come for *London*; whereupon the Merchant caused six Thousand *French Crowns* to be insured on her at *Roan*; and it happened that the Ship was cast away upon the Coast of *France* in coming homewards, and all the Goods were

were lost; and of this Intimation was made to the Assurers, and all the Proof concerning the Lading of the said Ship was sent to the Commissioners of Assurances at *Roan*: But upon examining the Bills of Lading, which declared truly the Quality and Quantity of the Goods, the Merchant's Factor at *Lisbon* (considering it was a dangerous Time of War and the Merchant living in *London*) left the Place of the Ship's Discharge in Blank, and by Letters over Land gave him Notice of it, which was made apparent; here after the Examination of the Sea Laws and Customs, and consulting experienced Merchants, it was sentenced, that the Insurers should be cleared, and make only a Restitution of the Money received by them for their *Premium*, out of which they abated ten Shillings for every Hundred Pounds, for their subscribing to the Policy of Insurance. *The Case of Gerard Malynes Merchant*, *Lex Mercat.* 112.

If a Ship is insured for more than she is worth, the Money may be recover'd, on any Loss happening, where the Policy of Assurance is well made, and it is declared therein that the Owner did value his Ship in such a Sum: And where a Merchant valued one Barrel of Saffron at one Thousand Pounds, having privately put so much in Gold in the same, the Gold was taken, but the Saffron delivered; here the Assurers were obliged to pay for the Gold: The like is to be done for Pearls or other Things so valued. But I have before observ'd, in another Place, that if Goods are stolen or imbezil'd on Shipboard, the Master (not the Assurer) is answerable. See *Lex Mercat.* 101, 102.

In Case a Merchant shall insure a Ship generally, and in the Policy it is expressed of such a Burthen, the Ship happens then to be laden, and afterwards miscarries; the Insurers shall not answer for the Goods, but for the Ship only, that is named. But where Goods are insured, it matters not in the Policy of Assurance, whether the particular Wares and Goods are named; but commonly Mention is made of the principal Wares, and all other Commodities laden or to be laden by the Insured, for his Account, or any other. Yet when an Insurance is upon any particular Goods and Merchandize, it must be declared particularly by the Mark of the Goods belonging to such a Merchant; and if there be more of the same Mark, the Number is added; and where the Number is alike, the Weight may distinguish the same; so as to be rightly answered, if any Loss happen. *Ibid.* 116.

If a Ship be insured from the Port of *London* to any Place abroad, and before the Ship breaks ground she happens to take Fire and is burnt, the Assurers in such Case are not obliged to answer; for the Adventure did not begin till the Vessel was gone from the first Port: If in the Policy of Insurance the Words, *at and from the Port of London* had been inserted, there the Insurers would have been answerable for such a Misfortune. And if on such an Insurance the Ship had broke ground, and afterwards been driven by Storm back to the Port of *London*, and there had took Fire, the Insurers must have answered; because the very breaking of ground was a Commencement of the Voyage: And the Port of *London* extends from the *North Foreland*  
in

in the Isle of *Thanet* to *London-Bridge*. Rot. Scaccar. 15 Car. 2.

Where any Merchant insures Merchandize from *London* to *St. Lucar*, until it be laid on Shore at *Sevil*; this Adventure is as well in the small Ships, Lighters, or Boats, in which it is carried up to the City of *Sevil* till the unlading thereof there, as the same was in the Ship whereby the said Merchandize was transported from the Port of *London* to *St. Lucar*; and any Damage, either totally or in part, is to be answered by the Assurers accordingly. If Goods are insured in a certain Ship bound to any foreign Parts, and in the Voyage it happens she becomes leaky or receives other Damage, and the Supercargo on board and Master agree to freight another Vessel for the safe Delivery of the Goods; and then after her relading the second Vessel miscarries, the Assurers are discharged, without a special Clause to make them liable: But if there be these Words, the Goods laden to be transported and delivered at such a Place, by the said Ship, or by any other Ship or Vessel until they be safely landed, then the Insurers must answer the Misfortune happening. *Leg. Rhod. Jure Marit.* 242.

If a Merchant freights a Ship with Wool, &c. which occasions a Forfeiture of Ship and Lading, being contrary to Law; or if he lades Contraband Goods knowingly, and afterwards insures the same, if they are seized by the King's Officers, the Insurers are not compellable to bear the Loss: Tho' where any Goods insured are not Contraband at the Time of the lading and Insurance, but become such by some posterior Act or Declaration, if they are then seized, the Insurers are answerable. And if Goods be lawfully insured,

insured, and afterwards the Vessel is disabled, by reason of which, with the Consent of the Merchant, they are put into another Ship, which after Arrival proves an Enemy's Ship, and by reason thereof is subject to Seizure; in this case the Insurers shall answer, for that is such an Accident as is within the Intention of the Policy of Insurance, where the Policy mentions against Dangers of the Sea, Enemies, &c. as Policies generally do. 12 Car. 2. c. 32. 14 Car. 2. Persons insuring, or undertaking to deliver prohibited Goods, &c. to forfeit 500*l*. Vide 4 & 5 W. & M. c. 15.

A Merchant insureth his Goods to a Port abroad, and there to be landed; the Factor after Arrival of the Ship sells the Cargo aboard, without ever unlading the Ship; and the Buyer of the Goods contracts for the Freight of them for some other Port, but before the Ship breaks ground she is by some Accident destroyed; in this case the Assured and Buyer are left without Remedy: For the Property of the Merchandize being changed, and Freight contracted *de novo*, the same doth amount to as much as if the Goods had been landed. By the Laws of *Antwerp*, the Adventure is to be born by the Insurers fifteen Days after the Ship's Arrival in Port. *Jure Marit.* 243.

In an Action brought upon a Policy of Insurance of Goods from *London* to *Naples*, warranted to depart with Convoy; it appear'd that the Ship departed with Convoy, but was separated by Strefs of Weather, and putting into *Torbay* was there detained by contrary Winds; afterwards the Master of the Ship, expecting to meet the Men of War that were Convoy, sailed

out

out of the Harbour, but could not find them by reason of the Badness of the Weather, and the Ship was taken by the Enemy. It was here argued, that no more was intended than a Departure with Convoy at the first setting out of the River, which being provided by the Insurers, they had fulfill'd their Warranty; but on the other Side it was insisted, that by the Words of the Policy the Ship ought to go all the way with Convoy, and not only out of the Mouth of the River, where there is no Danger; for that could never be the Meaning of the Parties, and that she should be left at Sea where is Danger: But it was adjudg'd in this Case, that to depart with Convoy, means only that the Ship shall leave the Port and sail with the Convoy, without any wilful Default in the Master; and the Master having done all that could be done, notwithstanding which the Ship is taken, therefore the Insurers are answerable. It would be otherwise, if by the Master's Default the Ship had been separated and taken; then the Insurers would not have been liable. *Jefferies* against *Legandra*, *Hill. 2 W. & M. 2 Salk. Rep. 443.*

An Insurance was made from *Archangel* to the *Downs*, and from thence to *Leghorn*; but there was a Parol Agreement at the same time, that the Policy should not commence till the Ship came to such a Place; and it was held that the Parol Agreement should avoid the Writing. It has been likewise adjudg'd, that if after a Policy of Insurance a Damage happens, and afterwards in the same Voyage there is a Deviation; yet the Assured shall recover for what happened before the Deviation, and the Policy be discharged from the time of the Deviation only: Also a going  
out

out of the way, by the Circumstances of the Case, may sometimes be no Deviation. 2 *Salk.* 444.

If a Man in a foreign Country insures a Ship from any Place there to *London*, and the Ship is lost, the Assurer, if he comes into *England*, shall answer by our Law here; for the Promise is transitory, and not fixed to the Place where made: And so it was resolv'd, where a Person abroad, in consideration of 10*l.* had insured, that if the *English* Merchant's Ship did not come safe to *London* he would pay 100*l.* Afterwards the Ship was robb'd on the Sea; and in an Action brought for the 100*l.* the Merchant had Judgment, tho' the Subscription was out of the Realm. 37 *H. 8. Mich.* 31 *Eliz.*

In order to the receiving and recovering of Money insured upon Policies of Insurance; when the Persons insured have received Advice of the Loss of the Ship or Goods, they are to make Application to the Insurers, and produce their Vouchers, Witnesses, or Evidences concerning the said Loss, declaring the Manner and Place, the Cause, with all Circumstances thereof, and all such Proof as by Letters and other Means they can attain unto; with which if the Insurers are satisfied, they will pay the Money without any Scruple, deducting the *Premium*, nor can they make any Objection to it, unless they have some reasonable Ground to found it upon, as contrary Intelligence, &c. In which Case the Parties who have insured the Sums must wait a convenient time, according to the Distance of the Place where the Ship is affirm'd to be lost, till more certain Advice can be obtained by the Insurers about it; or if nothing can be heard of  
the

the Ship in any reasonable time, then the Insurers are obliged forthwith to pay the Money: But if after that it should happen that the Ship shall arrive safe, the Insurers in such case shall have the Money return'd them. And when it happens, that some Part only of the Goods are lost, as in the Case of Ejections in a Storm, or other such Accidents; then the Insurers make an Average of it, and each Man pays so much *per Cent.* in Proportion to the Sum for which he subscribed.

If one Merchant hath insured the greatest Part of the Adventure of a Ship, and Advice is received of a Loss, but with hope of Recovery of any part thereof, whereby he would have the Assistance of the Insurers, he has a Privilege to make a Renunciation of the Lading to the Assurers, and to come in himself in the Nature of an Insurer, for so much as shall appear he hath born the Adventure of beyond his part of the Value insured: And if the Merchant do not renounce; yet there is a Power given in the Policy of Insurance for him to travel and endeavour a Recovery of the Adventure, after a Misfortune hath happened, to which the Assurers are to contribute, the same being a Trouble for the Ease of them; and they may appoint their Servants or other Persons to join therein. *Lex Mercat.* 115.

Where Goods are redeemed from a Pirate, all the Insurers must pay Contribution, because the Redemption is made for the Safety of all; so it is where Goods are wet, or receive damage by any other Accident: And by the Marine Law, if it be absolutely necessary to lighten a Ship, for her easy Entrance into Harbour, or a Channel, two parts of the Loss shall fall upon the Goods, and

and the third part upon the Ship; except the Ship is of greater Value than the Lading, and the Charge of the Goods be not the Cause of her Inability to enter, but some bad Quality proceeding from the Ship it self; or it is otherwise provided, that the Goods shall be fully delivered at the Port appointed for them. *Lex Mercat.* 109.

Assurances may be made on Men's Heads, as well as Ships and Goods; as if a Man is going for the *Streights*, or to any Port in the *Mediterranean* Sea, and is in Danger of being taken by the *Moors* or *Turkish* Pirates, and so made a Slave; whereby a Ransom must be paid for his Redemption, he may advance a *Præmium* accordingly upon a Policy of Assurance; and if he be taken, the Insurers must answer the Ransom secured. *Mich.* 29 *Car.* 2. *B. R.*

*The Statutes that have been made concerning Insurances are,*

The Statute 43 *Eliz.* c. 12. which ordain'd, that the Lord Chancellor or Keeper should award a standing Commission, for the Hearing and Determining of all Causes arising on Policies of Insurance, as should be entered in the Office of Assurance in *London*: This Commission was to be directed to the Judge of the Admiralty, the Recorder of *London*, two Doctors of the Civil Law, two Common Lawyers, and eight grave and discreet Merchants, or to any five of them; which Commissioners had Power to hear and examine, order and decree, all such Causes in a brief and summary Way, as to their Discretion should seem meet, without the Formality of Pleadings; and

and to that end were to sit once a Week at least, in the Office of Assurance, and summon Parties, examine Witnesses upon Oath, and commit to Prison those which should contemn or disobey their Orders or Decrees ; and no Fees were to be there exacted by any Person whatsoever.

But if any Person was aggrieved by their Sentence or Decree, he might exhibit his Bill in *Chancery* for the Re-examination thereof, if he first deposited with the Commissioners the Sum of Money awarded ; and the Lord Chancellor or Keeper might reverse or affirm any such Sentence or Decree ; and in case it was affirm'd, should award the Party Assured double Costs.

And no Commissioner was to act or judge in any Cause, wherein himself was a Party, as Assurer or Assured ; nor until he had taken an Oath before the Lord Mayor and Court of Aldermen, to proceed uprightly and indifferently between Party and Party.

By the 14 *Car. 2. c. 23.* Additional Powers and Privileges were granted to this Court, which was a Court of Equity as well as of Law ; and by this Act any three of the Commissioners, whereof a Doctor of the Civil Law or Barrister at Law of five Years standing to be one, might proceed in Causes of Insurance, and pass Sentence and award Execution against the Body and Goods, &c. of the Party convicted, and assess Costs of Suit.

Also Commissions were to be issued out of the Admiralty, returnable before the said Commissioners, to examine Witnesses beyond Sea, &c. But these Statutes did not take away that Cognizance which the Courts at *Westminster* claimed upon such Contracts ; they only gave this new erected

erected Court a concurrent Jurisdiction with those at Common Law; for tho' the Loss happened out of the Realm, that is not the direct Ground of the Action, but the *Assumpsit* or Promise; and therefore they had Jurisdiction of the Cause; and these Causes are now tried in the ordinary Courts.

By the Statute 6 *Geo.* 1. c. 18. The King was enabled to grant two Charters of Incorporation under the Great Seal, for Assurance of Ships, Goods and Merchandizes at Sea, or for lending Money upon Bottomry, &c. in *London*, called the *Royal Exchange Assurance*, and the *London Assurance*; and the said several Corporations to have perpetual Succession, have a Common Seal, and purchase Lands, &c. not exceeding one thousand Pounds a Year: And they may raise Money by taking in Subscriptions of particular Persons, or by Calls from their Members, &c.

After the granting the respective Charters, all other Corporations and Societies, or Partnerships for assuring Ships and Merchandizes at Sea, or for lending Money on Bottomry, shall be restrained from Signing and Under-writing any Policy of Insurance, or making any Contracts for Assurance of Ships, Goods or Merchandize, and from lending any Money by way of Bottomry; and all their Policies and Contracts shall be void; and every Sum so under-written, &c. forfeited: But nevertheless any private or particular Person shall be at Liberty to under-write any Policies of Assurance on Ships, &c. or may lend Money by way of Bottomry, as he might have done before this Act.

And each of the Corporations aforesaid shall be obliged by Virtue of this Statute, and of their  
 respective

respective Charters, to cause such Stock of ready Money to be provided, as shall be sufficient to answer all just Demands on their Policies of Assurance, for any Loss that shall happen, and shall satisfy all such Demands; and in case of Refusal or Neglect, the Parties assured, their Executors, &c. may bring an Action of Debt for the same, in which the Plaintiffs may declare that the same Corporation is indebted to them in the Sums of Money demanded, and have not paid the same, &c. and thereupon shall recover their Damages and full Costs of Suit; and the Stock and Effects of the Corporation shall be subject thereto.

By the 11 Geo. 1. c. 30. *sect.* 41. it is enacted, that on all Actions of Debt to be sued against either of the Corporations for Insurance in *London*, called by the Names of the *Royal Exchange Assurance*, &c. upon any Policy of Assurance under the common Seal of such Corporations, for the Assuring of any Ship, Goods, or Merchandizes at Sea, the said Corporations in such Actions or Suits may plead generally, that they owe nothing to the Plaintiffs in the said Actions; and in all Actions of Covenant, which shall be brought against either of the said Corporations upon any Policies of Assurance under their common Seal, it shall be lawful for each of the said Corporations, in any such Action or Suit to plead generally, that they have not broke the Covenant in such Policies contained: And if Issue be joined thereupon, the Jury upon the Trial thereof, if they see Cause, may find a Verdict for the Plaintiff; and give such Part only of the Sum demanded, if it be an Action of Debt, or so much only in Damage, if it is an Action of Co-

venant, as it shall appear to them on the Evidence given, that the Plaintiff ought in Justice to have, or is justly entitled unto.

And by the same Statute is ordain'd, that when any Vessel, Goods or Merchandizes shall be insured, a Policy of Assurance duly stamped is to be issued, or made out within three Days at farthest; and the Insurer neglecting to make out such a Policy in that time, shall forfeit 100*l.* for every Offence, to be sued for and recovered, and the Penalty divided in the same way and manner as other Penalties and Forfeitures are by the Laws relating to the Stamp-Duties.

And all promissory Notes for Assurance of Ships or Merchandize at Sea, or going to Sea, are by this Act declared void.

The Preamble to the Act of the 19 *Geo. 2. c. 37.* for regulating the Insurance on Ships belonging to *Great Britain*, and on Merchandizes and Effects laden thereon, very justly observes, that the making Assurances, Interest or no Interest, or without further Proof of Interest than the Policy, hath been productive of many pernicious Practices, whereby great Numbers of Ships with their Cargoes, have either been fraudulently lost and destroyed, or taken by the Enemy in time of War; and that such Assurances have encouraged the Exportation of Wool, and the carrying on many other prohibited and clandestine Trades; which, by means of such Assurances, have been concealed, and the Parties concerned secured from Loss, as well to the Diminution of the publick Revenue, as to the great Detriment of fair Traders; and that by introducing a mischievous kind of Gaming or Wagering, under the Pretence of assuring the Risk

on Shipping and fair Trade, the Institution and laudable Design of making Assurances hath been perverted; and that which was intended for the Encouragement of Trade and Navigation has, in many Instances, become hurtful of and destructive to the same; and then enacts, that after the first Day of *August* 1746, no Assurance or Assurances shall be made by any Person or Persons, Bodies corporate or politic, on any Ship or Ships belonging to his Majesty, or any of his Subjects, or on any Goods, Merchandizes or Effects, laden or to be laden on board of any such Ship or Ships, Interest or no Interest, or without further Proof of Interest than the Policy, or by way of Gaming or Wagering, or without Benefit of Salvage to the Assurer; and that every such Assurance shall be null and void: But Assurances on private Ships of War, fitted out by any of his Majesty's Subjects, solely to cruize against his Enemies, may be made by the Owners thereof, Interest or no Interest, free of Average, and without Benefit of Salvage to the Assurer.

That Merchandizes or Effects from any Ports or Places in *Europe* or *America*, in Possession of the Crowns of *Spain* or *Portugal*, may be assured in such way and manner as if this Act had not been made.

That it shall not be lawful to make Re-assurance, unless the Assurer shall be insolvent, become a Bankrupt, or die; in either of which cases such Assurer, his Executors, Administrators or Assigns, may make Re-assurance to the Amount of the Sum before assured, provided it shall be expressed in the Policy to be a Re-assurance.

That after the said first Day of *August* all and every Sum and Sums of Money to be lent on Bottomry, or at *Respondentia*, upon any Ship or Ships belonging to any of his Majesty's Subjects bound to or from the *Indies*, shall be lent only on the Ship, or on the Merchandize or Effects laden or to be laden on board of such Ship, and shall be so expressed in the Condition of the Bond; and that the Benefit of Salvage shall be allowed to the Lender, his Agents or Assigns, who alone shall have a Right to make Assurance on the Money so lent; and that no Borrower of Money on Bottomry or at *Respondentia*, shall recover more on any Assurance than the Value of his Interest on his Ship, or in the Merchandizes or Effects laden on board of such Ship, exclusive of the Money so borrowed; and that in case it shall appear that the Value of his Share in the Ship, or in the Merchandizes or Effects laden on board, doth not amount to the full Sum or Sums he hath borrowed, such Borrower shall be responsible to the Lender for so much of the Money borrowed as he hath not laid out on the Ship or Merchandizes laden thereon, with lawful Interest for the same, together with the Assurance and all other Charges thereon, to the Proportion the Money not laid out shall bear to the whole Money lent, notwithstanding the Ship and Merchandize be totally lost.

That in all Actions or Suits brought or commenced after the said first of *August* by the Assured, upon any Policy of Assurance, the Plaintiff in such Action or Suit, or his Attorney, &c. shall, within fifteen Days after he or they shall be required so to do in Writing by the Defendant

dant or his Attorney, &c. declare in Writing the Sums he hath assured in the whole, and what Sums he hath borrowed at *Respondentia*, or Bottomry, for the Voyage or any Part of the Voyage in Question in such Suit or Action.

That after the said first of *August*, any Person, &c. sued in any Action of Debt or Covenant, &c. on any Policy of Assurance, may bring into Court any Sums of Money, and if the Plaintiff shall refuse such Sum of Money, with Costs to be taxed, in full Discharge of such Action, and shall afterwards proceed to Trial, and the Jury shall not assess Damage to such Plaintiff, exceeding the Sum so brought into Court, such Plaintiff shall pay to such Defendant Costs to be taxed.

That this Act shall not extend to, or be in force against any Persons residing in any Parts in *Europe* out of his Majesty's Dominions, for whose Account Assurances shall be made before the twenty-ninth of *September* 1746; nor against Persons residing in any Parts of *Turky*, *Asia*, *Africa* or *America*, for whom Assurances shall be made before the twenty-ninth of *March* 1747.

By the 21 *Geo. 2. c. 4.* Insurance on Ships or Goods appertaining to the Crown or Subjects of *France*, or lending them Money on Bottomry, is prohibited; but as the Duration of this Act was restrained to the time of the late War, it is now become void.

By the 25 *Geo. 2. c.* it is enacted, that after the first of *May* 1752, all and every Person or Persons, Bodies politic or corporate, being Subjects of his Majesty in *Great Britain* or *Ireland*, or elsewhere, and all other Persons residing within *Great Britain*, shall be restrained and prohi-

bited from under-writing any Policy or Policies of Assurance, or lending any Money on Bottomry or *Respondentia*, upon any foreign Ship or Ships trading to or from the *East Indies*, and other Places beyond the Cape of *Good Hope*, within the Limits of Trade granted to the united Company of Merchants of *England* trading to the *East Indies*, or of or upon any Goods, Merchandizes or Effects laden on board any such Ship or Ships not belonging to any Companies, Societies or Corporations which were established or had carried on such Trade, or to any Person or Persons who had carried on such Trade by Virtue of any Charter, Licence or Authority from their respective Sovereigns before the seventh Day of *October* 1748; and that all Contracts by which any *Premium* shall be taken for such Policy or Policies upon any such Ship or Ships, or any Goods, Merchandizes or Effects laden or to be laden thereon, and every Agreement concerning the Event of the Voyage of such foreign Ship or Ships, and all Bonds for any Sum or Sums of Money lent or advanced by way of Bottomry or *Respondentia* on the same shall be void, and that the Persons, &c. who shall enter into such Contracts shall forfeit and pay treble the Sum insured or lent as above: But this Act shall not extend to prohibit Insurances on such Ships, Goods, &c. as shall belong to the Subjects of such Sovereigns who before the seventeenth of *October* 1748 have granted Charters, Licences or Authorities to trade within the said Limits, and whose Subjects were actual Traders therein at that time by Virtue of such Charters, &c. (to continue in force for seven Years.)

*The Policy of Insurance is commonly printed and must be upon stamped Paper; the Form is generally as follows:*

In the Name of God, *Amen*, or, Know all Men by these Presents, that *A. B.* of, &c. Merchant, as well in his own Name; as for and in the Name and Names of all and every other Person and Persons, whom the same may or shall concern, doth make Assurance, and hereby cause himself and them, and every of them, to be assured, lost or not lost, at and from the Port of *London* to, &c. in the Kingdom of, &c. and at and from thence back to *London*, upon any kind of Goods and Merchandizes whatsoever, loaden or to be loaden aboard, (or if the Insurance be made on the Ship the Words are, upon the Body, Tackle, Apparel, Ordnance, Munition, Artillery, Boat, and other Furniture) of and in the good Ship *Frederick*, Burthen, &c. or thereabouts, whereof *C. D.* for the present Voyage is Master, under God; beginning the Adventure upon the said Goods and Merchandizes or Ship, from and immediately following the Day of the Date hereof, and so to continue and endure until the said Ship with the said Goods or Merchandizes, or with her said Tackle, Apparel, Ordnance, Munition, Artillery, Boat, and other Furniture, shall be arrived at, &c. as aforesaid, and during her Abode and Stay there, and further until the said Ship, with all her Tackle, Apparel, &c. shall be arrived back at *London*, and hath there landed the said Goods or Merchandizes, or moor'd at Anchor twenty-four Hours; and it shall be lawful for the said Ship in this Voyage

to proceed and fail to, and touch and stay at, any Ports or Places whatsoever, &c. without Prejudice to this Assurance. The said Goods and Merchandizes or Ship, &c. for so much as concerns the Assured, are and shall be rated and valued at, &c. Sterling, without further Account to be given by the Assurers for the same: And touching the Adventures and Perils, which we the Assurers are content to bear, and do take upon us in this Voyage, they are of the Seas, Men of War, Fire, Enemies, Pirates, Rovers, Thieves, Jetsons, Letters of Marque and Countermarque, Reprisals, Takings at Sea, Arrests, Restraints, and Detainments of all Kings, Princes, and People, of what Nation, Condition or Quality soever, Barratry of the Master and Mariners, and all other Perils, Losses and Misfortunes that have or shall come to the Hurt, Detriment or Damage of the said Goods and Merchandizes or Ship, &c. or any Part thereof. And in case of any Misfortune, it shall be lawful for the Assureds, their Factors, Servants and Assigns, to sue, labour and travel for, in and about the Defence, Safeguard, and Recovery of the said Goods and Merchandize or Ship, &c. or any Part thereof, without Prejudice to this Assurance; to the Charges whereof, we the Assurers will contribute each of us according to the Rate and Quantity of his Sum herein assured. And it is agreed by us the Insurers, that this Writing or Policy of Assurance shall be of as much force and effect as the surest Writing or Policy of Assurance heretofore made in *Lombard-Street*, or elsewhere in *London*. And so we the Assurers are contented, and do hereby promise, and bind our selves, (each for his own Part) our Heirs, Executors,

Goods

Goods and Chattels, to the Assureds, their Executors, Administrators and Assigns, for the true Performance of the Premises; confessing our selves paid the Consideration due to us for this Assurance, by *E. F. G. H. &c.* at and after the Rate of, *&c. per Cent.* and in case of a Loss, to abate, *&c. per Cent.* and to pay without farther Proof of any Interest whatsoever, more than this present Policy; any Use or Custom to the contrary notwithstanding. *In Witness* whereof we the Assurers have subscribed our Names and Sums by us severally assured, *viz.*

I R. K. am contented with this Assurance for one Hundred Pounds, *London, 3d September, 1752, 100l.*

*N. B.* The Assurers generally omit the Words, *am contented with this Assurance for*, and only subscribe their Names with their respective Sums; and the Assureds chuse to have the Policy underwrit by several Hands when a private Security is taken, in order to have a more certain Security. These private Under-writers daily resort to private Offices, where these Policies are duly registred, and remain Vouchers of such Transactions.

We have likewise Assurances for Life, in virtue whereof, when the Person assured dies, a Sum of Money becomes payable to the Person in whose behalf the Policy of Assurance was granted.

## C H A P. VIII.

*Concerning Bankrupts.*

**A** Bankrupt is a Trader who having gotten other Persons Goods into his Hands, and wasted them, is not able to make a sufficient or immediate Satisfaction, but concealeth himself from Creditors, or commits some other Act of Bankruptcy: And in general every Person who gets his Living by buying and selling may, upon his failing in Trade, fall under a State of Bankruptcy.

The Substance of our Statutes relating to Bankrupts is as follows;

34 *H. 8. c. 4.* enacts, that the Lord Chancellor, Treasurer, &c. shall take order with a Bankrupt's Body, Lands and Goods, for Payment of his Debts.

13 *E. c. 7.* That every Merchant or other Person, being a Subject of this Realm, or any of the Queen's Dominions, who shall use the Trade of Merchandize by way of Bargaining, Exchange, Bartery, Chevizance, or otherwise, by gross or by retail, or seek his Living by buying or selling, or exercising any Trade, departing the Realm, keeping up in his House or concealing himself, taking Sanctuary, absenting himself or departing from his dwelling House, suffering himself to be outlawed or yielding himself up to Prison, or suffering himself to be falsely arrested, to defraud his Creditors, shall be deemed a Bankrupt. The Lord Chancellor, upon

upon a Complaint in Writing against a Bankrupt, to appoint Commissioners to sell his Lands, as well Copy as Free, Annuities, Goods, Chattels, Debts, &c. Commissioners have Power to convene Persons suspected to have any of the Bankrupt's Effects. Persons refusing to disclose, or detaining Lands, &c. to forfeit double the Value. If the Person indebted absent himself after five Proclamations by Commissioners, to be out of the King's Protection, and Persons concealing him to be imprisoned and fined. The Creditor not satisfied may afterwards take his Course at Law.

17. 1. c. 15. By this Statute a Person fraudulently procuring himself to be arrested, or his Goods, Money or Chattels to be attached or sequestred, or making any fraudulent Grant or Conveyance of his Lands, &c. whereby his Creditors may be defeated or delayed in the Recovery of their just Debts, or being arrested for Debt shall lie in Prison six Months, on that Arrest, or any other for Debt, shall be adjudged a Bankrupt. A Creditor shall be received if he comes in, in four Months. Grants of Land, &c. of a Bankrupt in other Mens Names, except to Children upon Marriage, or for valuable Consideration, void. If upon Warning left at the usual Place of Residence, three times, the Bankrupt do not appear, five Proclamations to be made, &c. Refusing to be examined shall be committed. Committing Perjury to ten Pounds Prejudice of Creditors to stand in the Pillory. Persons suspected of detaining any of the Estate, not appearing, to be arrested, and still refusing to be committed. Commissioners may assign Debts, &c. to the Creditors, and proceed to Execution tho'

tho' the Bankrupt dies. Commissioners to render the Bankrupt an Account, and to pay Overplus, &c.

21 *J. 1. c. 19.* All the Statutes and Laws made against Bankrupts for the Relief of Creditors to be largely and beneficially construed and expounded for the Aid and Relief of the Creditors. This and all former Acts relating to Bankrupts to extend to Strangers born, as well Aliens and Denizens, as effectually as to natural born Subjects; as well to make them subject to the Laws relating to Bankrupts, as to make them capable of the Benefit or Contribution as Creditors by those Laws. Trading Persons and Scriveners getting Protection, except of Members of Parliament, Persons endeavouring to compel Creditors to take less than their due, or to gain time beyond six Months, the Debt being one hundred Pounds and the Debtor arrested, or after Arrest lying in Prison two Months, or escaping out of Prison, or procuring his Enlargement by hired Bail, &c. adjudged Bankrupts. Bankrupt's Wife to be examined on Oath. Bankrupts fraudulently concealing to stand on the Pillory. Commissioners may break open Bankrupt's House, Chests, &c. Another Man's Goods in the Bankrupt's Possession to be distributed. No respect to be had to Debts upon Judgment, Recognizances or Specialties, beyond other Debts.

12 *Ed. 14 Car. 2. c. 24.* *Ed. 9. 7 Ed. 8 W. 3. c. 31.* 8 *Ed. 9 W. 3. c. 19.* 10 *W. 3. c. 44.* 4 *Ed. 5 Ann. c. 13.* 7 *Ann. c. 7.* 3 *Geo. 1. c. 8.* 5 *Geo. c. 24.* Adventurers in the *East-India* or *Guinea* Company, and no Member of any Society or Company to be adjudged a Bankrupt in respect of  
of

of his Stock, and the Stock not liable to foreign Attachment by the Custom of the City of *London* or otherwise. No Farmer, Grasier, Drover or Receiver General of Taxes entitled to the Benefit of the Acts relating to Bankrupts.

10 *Ann. c. 15.* The Descriptions of a Bankrupt in the Act 21 7. 1. being prejudicial to Trade, this Statute makes all Descriptions of Bankrupts void. But no Sale of Estates to be impeached.

6 *Geo. 1. c. 21.* 7 *Geo. 1. c. 31.* A Bankrupt in Prison on Execution for Debt, to be discharged, producing his Certificate. Persons having Bills or Notes upon Bankrupts, due at a Day to come, intitled to Dividends allowing Discount at five *per Cent.*

5 *Geo. 2. c. 30.* By this Statute Bankers, Brokers and Factors are liable to the Statutes concerning Bankrupts.

If a Trader makes a private Agreement with a Creditor, or prevails with him to take out a Commission, in Consideration of his being paid his whole Debt, or more than the rest of the Creditors, he commits an Act of Bankruptcy which will supersede the Commission; and the Creditor receiving such Satisfaction to lose his whole Debt and the Money received, which shall be paid to such Persons as the Commissioners appoint in trust for the Bankrupt's Creditors.

Bankrupts not submitting to be examined thirty Days after Notice, and not discovering how they have disposed of their Goods, and all Books, Papers, &c. delivering up to the Commissioners all such Estate, &c. except their Wives and Childrens necessary wearing Apparel, to suffer as Felons. Lord Chancellor may enlarge the  
time

time for surrendering to sixty Days. Commissioners to send for Persons, &c. not appearing, or refusing to be sworn, to be committed. On Certificate of the Commissioners the Bankrupt to be apprehended. Persons conforming to be allowed *5l. per Cent.* not exceeding *200l.* if Estates pay *8s.* in the Pound. Persons concealing Estates in Trust to forfeit *100l.* Persons discovering Bankrupts Estates to be allowed three *per Cent.* No Advantage to Bankrupts giving above *100l.* in Marriage with Children, unless at the time they could satisfy their Debts.

Bankrupts removing, concealing or imbeziling any Monies or Effects to the Value of *20l.* guilty of Felony. Commissioners to assign to such as shall be chosen by the major part of the Creditors. Assignees before appointed refusing to assign to them, to forfeit *100l.* Assignees, or the major part of them, to compound with Debtors. No Commission of Bankruptcy to be issued out, unless the Debt of one Creditor petitioning amounts to *100l.* or the Debts of two Creditors amount to *150l.* or of three Creditors amount to *200l.* And Bond to be given in *200l.* to prove the Party a Bankrupt. Receivers General of Taxes to have no Benefit of these Acts.

Bankrupts within thirty Days after Notice to surrender themselves to Commissioners, and conform to the Statutes. The Commissioners to call before them Persons who can give Account of Acts of Bankruptcy, &c. Trustees for the Bankrupt and others to discover Trusts, &c. or forfeit *100l.* Three several Meetings to be appointed by the Commissioners, who are to certify to the Lord Chancellor that the Bankrupt hath conformed, and four parts in five in Number  
and

and Value of Creditors to sign the Certificate. Commissions, &c. to be enrolled at an Office erected for that purpose, and the Commissioners to have 20*s. per Diem*, &c.

Bankrupts not surrendering in forty-two Days, and not discovering Estates, adjudged guilty of Felony; but the Lord Chancellor may enlarge this time fifty Days further. Bankrupts to deliver all Books of Accounts, Writings, &c. to Assignees upon Oath, and to be allowed 5*l. per Cent.* not above 200*l.* if they pay 10*s.* in the Pound, and 7*l.* 10*s. per Cent.* not above 250*l.* if they pay 12*s.* 6*d.* in the Pound, &c. The Body of the Bankrupt only, not his future Estate, to be discharged, except he pay 15*s. per Pound.* Four parts in five in Number and Value of Creditors to sign Certificates, &c. Bonds or Notes given to consent to any Certificate, to be void; and if the Creditor suing out any Commission has privately more than others, the Commission shall be superseded. Bankrupts to be apprehended on a Commission issued, &c. Persons that discover their Estates allowed 5*l. per Cent.* and concealing Trusts shall forfeit 100*l.* and double Value. Notice must be given to Creditors to meet and chuse Assignees, prove Debts, &c. but none to vote whose Debt is under 10*l.* New Assignees may be chosen by the Creditors; Assignees after the End of four Months and within twelve Months to account, and Dividend to be made; and there may be a second final Dividend in eighteen Months, &c. Commissioners to take an Oath, allowed 20*s.* a Day, and nothing for Expences: Attornies Bills to be adjusted by a Master in Chancery.

Bankers,

Bankers, Brokers and Factors are subject to Statutes of Bankrupts; but no Farmer, Grazier or Receiver General of Taxes shall be deemed a Bankrupt. Continued by 9, 16 & 24 Geo. 2. until the first of September 1757.

19 Geo. 2. c. 32. No Person who is *bona fide* a Creditor of any Bankrupt for or in respect of Goods *bona fide* sold to such Bankrupt, or of any Bill of Exchange *bona fide* drawn, negociated or accepted by such Bankrupt, in the usual ordinary Course of Trade, shall be liable to repay the Assignee any Money which before the suing forth of such Commission was *bona fide*, and in the usual Course of Trade, received by such Person of such Bankrupt, before the Person receiving the same shall have Notice that he is become a Bankrupt, or is insolvent in Circumstances.

The Obligee in any Bottomry or *Respondentia* Bond, and the Assured in any Policy of Insurance made and entered into, upon a valuable Consideration *bona fide*, shall be admitted to claim, and after Loss to prove his Debt, as if the Loss had happened before the Date of the Commission against the Obligor or Insurer, and the Bankrupt shall be discharged from such Bond and Policy, and have the Benefit of the several Statutes against Bankrupts, as if the Loss had happened or the Money had become payable before the Date of the Commission.

24 Geo. 2. c. For Remedy of the many Abuses which have been committed by Bankrupts and Persons who, with their Privy, have attempted to prove fictitious and pretended Debts under Commissions of Bankruptcy, in order that such Persons might be enabled to sign their Con-  
sent

sent to the Certificate for discharging such Bankrupts from their Debts, &c. it is enacted, that if any Persons shall fraudulently swear or depose, or being of the People called Quakers affirm, before the major part of the Commissioners named in any Commission of Bankruptcy, or by Affidavit or Affirmation exhibited to them, that a Sum of Money is due to him or her from any Bankrupt or Bankrupts, which shall in fact not be really and truly so due and owing; and shall, in respect of such fictitious and pretended Debt, sign his or her Consent to the Certificate for such Bankrupt's Discharge from his Debts; that in every such Case, unless such Bankrupt shall, before such time as the major part of the said Commissioners shall have signed such Certificate, by Writing by him to be signed and delivered to one or more of the said Commissioners, or to one or more of the Assignees of his Estate and Effects, under such Commission disclose the said Fraud, and object to the Reality of such Debt, such Certificate shall be null and void to all Intents and Purposes, and such Bankrupt shall not in that case be intitled to be discharged from his Debts, or to have or receive any of the Benefits or Allowances given or allowed to Bankrupts by the said Act of the fifth Year of his present Majesty's Reign.

And when any Creditor or Creditors of any Bankrupt reside in foreign Parts, the Letter of Attorney of such Creditor, attested by a Notary Publick in the usual Form, shall be a sufficient Evidence of the Power and Authority by which any thereby authorized shall sign any Bankrupt's Certificate.

Upon these Statutes all Proceedings concerning Bankrupts, both in the Courts of Law and Equity, are founded. I shall now add a few Determinations from the Books of Reports.

Where there are Partners in Trade, and one breaks, you shall not charge the other with the whole, but the Estate belonging to the joint Trade ought to be divided, *Ec. Mod. Rep.* 45.

Acts discharging Bankrupts shall not discharge any Partner in Trade, or one jointly bound with the Bankrupt. *1 Danv. Abr.* 686.

Offices of Inheritance may be sold; but not Offices of Trust, annexed to the Person for Life. Assignees may bring Actions for Debt due to the Bankrupt, in their own Name, *Ec.* But if the Commission be not taken out within six Years, directed by Law for suing of Debts, and the Assignment made within that time, a Defendant in Action may plead the Statute of Limitations: If the Commission be taken out in six Years, the Statute preserves the Debt, being to relieve Creditors against Fraud. *1 Saund.* 37.

If a Debtor to a Bankrupt pays him his Debt voluntarily, he must pay it over again; but it is otherwise in case of Payment by compulsion of Law. *Vernon, Case* 80. *p.* 94. *Ec. 2 Vent.* 258. Sureties or Bail, when they have paid the Debt, may come in as Creditors; but Mortgagees, or Persons that have a Pledge of the Bankrupt's Goods, having Security for their Debts in their Hands, are not Creditors within the Statutes. Those who attach Goods of the Bankrupts are to come in as Creditors. If an Executor becomes Bankrupt, a Legatee is to be Creditor.

In the Distribution of the Bankrupt's Estate, no respect is to be had to Debts upon Judgment,  
 4 Recog-

Recognizances or Specialties, beyond other Debts. After four Months, and Distribution made, no Creditor can come in to disturb it; but he may come in for the Residue of which no Distribution is made. 1 *Danv.* 693. But the Court of Chancery hath sometimes allowed Creditors to come in after Distribution, upon particular Circumstances which have happened. *Chan. Rep.* 307.

If the Commissioners refuse to pay a Creditor his proportionable Part, he may bring an Action of Debt, or be more properly relieved in Chancery: Where the Commissioners do not pursue the Acts of the Commission, the Party injured must bring his Action and set forth the finding of the Commissioners that the Debtor is a Bankrupt. But if a Commission is not duly obtained against a Person, he may traverse by saying that he is not a Bankrupt. 8 *Rep.* 121.

If a Merchant gives over Trade, and some Years after becomes insolvent for Money owed while a Merchant, he is a Bankrupt; but if it be for new Debts, or old Debts continued on new Securities, it is otherwise. 1 *Vent.* 5, 29.

If after a plain Act of Bankruptcy, one goes abroad and is a great Dealer, yet this will not purge the first Act of Bankruptcy; tho' if he pays off, or compounds with his Creditors, he is become a new Man. 1 *Salk.* 110.

A Banker, who has many Peoples Money in his Hands, refuses Payment yet keeps his Shop open, and, as often as he is arrested, gives Bail; by this means he may give preference of Payment to his Friends; and if, when he has done, he runs away, such Payment shall stand against a Commission of Bankruptcy. *Farrest. Rep.* 139.

The Commissioners of Bankrupts have Power to adjudge a Man a Bankrupt; yet, in an Action, the Jury must find whether he was so or not. 1 *Danv.* 687.

The Commissioners are to sell all the Bankrupt's Lands in Fee, for Life, or Years, &c. and it will be binding against the Bankrupt and his Issue. 1 *Lill. Abr.* 204. They may sell all entailed Lands in Possession, Reversion or Remainder, except entailed in the Crown of the King's Gift; and this shall bind the Issue in Tail, and all others, which a common Recovery might cut off. *Ibid.* 205. Sales of Bankrupts Lands by Commissioners are to be by Deed inrolled. If a Bankrupt grants his Lands or Goods in the Names of other Persons, the Commissioners notwithstanding may make Sale of them; but not Lands, &c. conveyed *bona fide*, before the Party became a Bankrupt. *Wood's Inst.* 310. No Purchase of Lands shall be impeached, unless the Commission of Bankrupts be sued out within five Years after a Man becomes Bankrupt. Lands held by a Bankrupt in Joint-tenancy, may be sold as to the Moiety: Also Lands which a Man hath in Right of his Wife (but not her Dower.) The Commissioners may sell Lands devised to a Bankrupt. They also have power to sell Lands mortgaged on Tender and Payment of the Mortgage Money. 2 *Rep.* 25. Assignees have the Benefit of Covenants of Re-entry, &c. on Lands.

Equity will not compel a Man to discover what Goods he really bought of a Bankrupt, after the Bankruptcy and before the Commission sued, where the Party has no notice of the Bankruptcy. *Vernon, Case* 23.

A Bond given by a Bankrupt to leave his Wife a Sum of Money, in case of Survivorship, is not discharged by the Certificate. *Lord Raym.* 1549.

Creditors by Bond, before the Day of Payment cannot take out a Commission of Bankruptcy. *Peere Williams, Case 178.*

A Bankrupt tho' in Possession, yet if impowered to dispose of Goods in Trust for another, they are not liable to the Bankruptcy, either in Law or Equity. *Copeman vers. Gallant, 1 Peere Will. Case 81.*

An Husband before he has received his Wife's Fortune becomes a Bankrupt, the Assignees shall not receive it without making some Provision for the Wife. *1 Peere Will. Case 100. Jacobson & al' vers. Williams.*

Tho' a Creditor comes into a Commission of Bankruptcy and proves his Debt, and is prevailed on to be an Assignee, yet, if the Bankrupt has no Estate; the Creditor may take the Bankrupt in Execution if he will wave any Benefit of the Statute. *1 Peere Will. Case 163.* The Reason of a Creditor's coming in under a Commission of Bankruptcy and proving his Debt, may be to oppose the Bankrupt's being discharged. *Ibid.*

A Bankrupt's Wife cannot be examined against her Husband to prove his Bankruptcy, but she may by *Stat. 21 Jac. 1.* be examined touching the Discovery of her Husband's Effects. *1 Peere Will. Case 178.*

A Bankrupt himself, by *Stat. 5 Geo. 1.* may be examined touching his own Bankruptcy. *Ibid.*

The Creditors of a Bankrupt who come into the Commission shall not imprison the Bankrupt for not paying the Debt. *Ibid.*

A Creditor petitions against the Allowance of a Bankrupt's Certificate, and the Bankrupt thereupon gives him a Bond for the Payment of his whole Debt, in consideration of withdrawing his Petition; Equity will not relieve against this Bond. *Peere Will. Case 181. Lerves versus Chase.*

A Creditor coming in under a Commission of Bankruptcy, tho' only to prove his Debt and oppose the Bankrupt's obtaining his Certificate, yet he shall not sue the Bankrupt at Law, unless he will wave all Benefit of the Commission, not only as to the Dividends but also as to his voting against the Bankrupt's gaining his Certificate. *2 Peere Will. Case 123. Anonymous.*

Where a Bankrupt after a Certificate allowed is sued for a Debt due before his Bankruptcy, the Court on the Circumstances of the Case will relieve, tho' it will not relieve on a Matter purely of mispleading. *2 Peere Will. C. 13. Blackall versus Combs.*

One devises Lands in Fee to his Daughter, being a Feme Covert, for her separate use, without appointing any Trustees, the Husband is a Tradesman and becomes a Bankrupt, yet the devised Premises are not subject to the Bankruptcy. *2 Peere Will. Case 91. Bennet versus Davis.*

A Trader on Marriage gives a Bond to a Trustee to secure 1000*l.* to the Wife if she survive him, the Trader becomes a Bankrupt, this Debt shall not be allowed, nor any Reservation made for it, nor shall it stop the Distribution, in regard it may never be a Debt: With the same reason an Obligee in a Bottomry Bond shall not, before the Return of the Ship, come in under a Commission of Bankruptcy; but in either Case,  
if

if the Contingency happens before the Bankrupt's Estate be justly distributed, such Creditor shall come in for his Proportion. 2 *Peere Will. Case* 159.

On a joint Commission against two Partners Bankrupts, the separate Creditors, tho' they have taken out separate Commissions, shall be at Liberty to come in to oppose the allowing of the Certificate. 3 *Peere Will. Case* 7.

Where two Partners are Bankrupts, and a joint Commission is taken out against them, if they obtain an Allowance of their Certificate, this shall bar as well their separate as their joint Creditors. *Ibid.*

One not in Debt, nor then a Trader, makes a voluntary Settlement on a Child, and afterwards becomes a Trader and a Bankrupt, this Settlement is not liable to the Bankruptcy. 3 *Peere Will. Case* 75.

If a Man keeps his House for a long time, this does not make him a Bankrupt, but if he conceals himself within his House but for a Day or an Hour to delay or defraud his Creditors, he is a Bankrupt. *Palmer* 325.

If there be a Process out against a Merchant, and he keeps House to prevent Arrest, and after goes out to Market and other Places; but hearing of a new Process keeps House again, and after goes out again at large, he is no Bankrupt; the Act of Bankruptcy being purged by his going abroad. *Cro. Eliz.* 13. *Godb.* 25. 1 *Lev.* 13. 2 *Sid.* 177.

If a Man permits himself to be outlawed to defraud his Creditors, it is a Cause of Bankruptcy. So that, on a Special Verdict, if a Jury

find that he was outlawed, and do not find that it was to defraud his Creditors, that will not make him a Bankrupt. 1 Keb. 11.

---

## C H A P. IX.

### *Of Marine and other Contracts, and Bottomry.*

A Marine Contract is of Things belonging to the Sea, and doth extend in general to Ships, Goods and Merchandize; and therefore the Laws and Customs concerning Marine Contracts are not inserted in any one Place of this Treatise, but dispersed thro' the whole.

But here it may be proper to take some Notice of the Contracts and Agreements of Merchants, in extraordinary Cases: And sometimes Regal Contracts are made between Kings and Princes and Merchants, relating to Trade and certain Goods and Commodities, which caused the Kings of *Portugal* formerly to be called Royal Merchants. These Contracts of Kings are made by Commissions granted for that purpose to some great Officers of the Kingdom, who have thereby Authority to contract with Merchants and others for whatever may be necessary. *Lex Mercat.* 89.

The *Civilians* writing of Merchants Contracts make many Distinctions therein; but the Conditions agreed upon between them are chiefly considerable, and ought to be well declared, to avoid Ambiguity and wrong Constructions; and

to be reciprocal of Things to be performed on both Sides : So that if a Contract be broken, and one Party is damnified, for the want of his Money, or Goods not delivered, whereby he can make no Benefit, but is hindered in his Trade and Commerce; in such case he may justly demand Recompence for the same of the other Party. Tho' this Damage sustained by Merchants or others, for the Non-performance of Contract, cannot be demanded on a Continuance of Time running *ad infinitum*; but must be according to the first Damage received, as the Party can duly prove the same: Therefore when Merchants are contending in many Courts of Equity and Law, where they are delayed Years in continual Suit, to their great Charges; then it tends to the general Interruption of Trade, and the Ruin of Parties in particular; whereas the Law of Merchants hath a singular Care to prevent it, and doth many Times (tho' not without some Danger) admit the Proof to be made upon the Party's Oath, if Witnesses be absent. *Ibid.* 92.

If a Merchant upon a verbal Contract delivers some Money unto another Merchant, to be employed by him in purchasing Commodities, or put forth to Use for both their Profits, without any Limitation of Time agreed upon between them for performing it; the Question is, when this Merchant that did deliver the Money, may call for it again? By the *Civil* Law, most are of Opinion that the same may not be demanded before the Year is expired: But if this Money were delivered to one that maketh a continual Gain by Money, as some Goldsmiths do, by taking the same for a short Time, or a few Days, and allowing Benefit for it; then there is no doubt

doubt but the Money may be demanded at all times, upon Warning given for the Time. *Ibid.*

Besides those I have mentioned, there are certain Merchants Contracts, which in regard to the Conditions are called Extravagants; because the Manner of contracting, and the Payment in Pursuance thereof, is seldom used, and but in some Places, which are however made in Writing by notarial Contract, and to make these the more authentick and sure, the Bonds made by each Party to the other in a Sum of Money for Performance thereof, are to be preferred before the Limitation of a Penalty contained in the Contract.

Now I come to *Bottomry*, which is when the Master of a Ship borrows Money upon the Keel or Bottom of his Ship, and binds the Ship itself that if the Money be not paid by the Day appointed, the Creditor shall have the said Ship: And this taking up Money on Bottomry is commonly in Nature of Mortgaging a Ship, and in the Instrument there is a Clause which expresses that the Ship is engaged for the Performance of the same.

*Bottomry* is also where a Person lends Money to a Merchant, who wants it to traffick, and the Lender is to be paid a larger Sum at the Return of the Ship, standing to the Hazard of the Voyage; in regard to which, though the Interest be greater than that allowed by Law, it is not Usury: For Money lent to Sea is allow'd a larger Interest than Money advanced on Land, by reason tis furnished at the Hazard of the Lender, and if the Ship perishes, he shares in the Loss; so that there is no real Security, as in case of Lands, &c. And the greater the Danger is, the greater may be the Profit reasonably required for

for the Money lent; and this hath been the Opinion of *Civilians*, and all or most Part of the trading Nations in *Christendom* allow it. *Lex Mercat.* 122.

The Security or Contract of Bottomry, as generally made, is just and honourable, according to the laudable Practice among maritime Persons; and though the Advantage runs high, as twenty, thirty, or sometimes forty *per Cent.* without Consideration of Time; and therefore by the Common Law, if Action be brought on such an Instrument, the Defendant cannot plead the Statute of Usury. And so it was held where a Person brought an Action of Debt on a Bond for Money taken up on Bottomry; the Defendant pleaded the Statute against Usury, and shewed that a certain Ship made a Voyage to fish in *Newfoundland*, (which might be performed in eight Months) and the Plaintiff delivered 50*l.* to the Defendant, to pay 60*l.* upon the Return of the Ship to such a Port, and if the said Ship by Leakage or Tempest should not return from *Newfoundland* to the said Port, then the Defendant should pay the Principal Money, *viz.* 50*l.* only; and if the Ship never return'd, then nothing should be paid: It was adjudged in this Case that the same was not Usury; for if the Ship had staid at *Newfoundland* two or three Years, yet at her Return but 60*l.* was to be paid; and if she never returned, then nothing. *Trin. 6 Jac. B. R. 2 Cro. Rep. 208, 209.*

But there is a fictitious Way of taking up Money in the Nature of Bottomry, upon Supposition of a Ship and Master, being the common Practice among the *Italians*, and has been used by some Persons on this Side the Water; where  
a Man

a Man borrows Money, the Condition reciting, whereas there is such a Ship, naming her, bound to *Amsterdam*, whereof such a Man is Master, (when indeed there is no such Ship or Master) that if that Ship shall not arrive at such a Place within twelve Months, the Money agreed on to be paid, shall be paid; but if the Ship shall arrive, then nothing: This Method of Security is plainly unjust, and when made for very large Interest, ought to be held unconscionable and usurious; and how far such a Contract hath been judged good or not, according to the Common Law, see *Hill.* 22 and 23 *Car.* 2. *Jure Marit.* 283, 284.

Where Money is advanced in Bottomry, it is either on the bare Ship, (the common Way) or upon the Person of the Borrower, and sometimes upon both: The first being where a Man takes up Money, and obliges himself, if such a Ship shall arrive at such a Port, to repay it, perhaps sometimes, in long Voyages, near double the Sum lent, within so many Days after the Ship's safe Arrival; but if the Ship happens to miscarry, then to pay nothing. But when Money is lent at Interest, it is delivered at the Peril of the Borrower, and the Profit of this is merely the Price of the simple Loan; but the Profit of the other, is a Reward for the Danger and Adventure of the Sea, which the Lender takes upon himself during the Loan, and that is to be understood until the Voyage is ended, and therefore the Interest is lawful: Though 'tis also to be observed, that Money lent at Maritime Interest, without Hazard, but upon Security, shall pay no Profit, otherwise than the Money lent at Interest; because the Security is given over and  
above

above for the Lender's Assurance. *Sea Laws* 206, 207. *Mercat.* 122.

A Master of a Ship hath no Power to take up Money by Bottomry, in Places where his Owners dwell, unless he is a Part-Owner, and in that case he may take up so much only as his Part will answer in the said Ship: For if he exceeds that, his own Estate shall stand liable to make Satisfaction. But when a Master is in a strange Place or Country, where he hath no Owners, nor any Goods of theirs, nor of his own; and for Want of Money which he cannot procure by Exchange or otherwise, his Voyage might be retarded, there Money may be taken up upon Bottomry, and all the Owners are liable for it; that is, they are answerable by their Vessel, but not in their Persons by the Act of the Master; and the Owners may have their Remedy against such Master whom they put in trust. *Leg. Oleron. c. 4.*

If Money be lent on Ship-board by a Merchant or Passenger, and before the Day of Payment the Ship happens to be cast away, if there be such a Saver as will admit of a Contribution, the Party lending is not to have his whole Money, but it shall come into the Average; because if that Money had not been so lent, it would have been in common Danger with the rest: But if the time appointed were past before the Misfortune happened, then the Borrower must repay the Lender his whole Money, free from Contribution. And therefore by the Maritime Laws, in case the Borrower detains any Money thus lent, beyond the appointed time for the repaying it; he shall at his Return in the Voyage, not only pay the Profit agreed on before, but also be obliged to augment the same, according to the longer

longer time, accrued since the Day of Payment.  
*Leg. Naval. Artic. 17, 18.*

When a Master or Owner of a Ship takes up Money on Bottomry, and buys in Lading, but endeavours to defraud the Prince or State of their Customs, or puts such Goods on board which incur a Forfeiture of the Ship; in such case the Borrower only runs the Hazard, and not the Lender. And where Bonds or Bills of Bottomry are sealed, and the Money is paid, if the Ship receives Injury by Storm, Fire, Enemy, or any other Accident, before the Commencement of the Voyage, then the Person borrowing shall only run the Hazard; unless it be otherwise provided, by particular Words, that the Contract is to have its Beginning from the Time of the Sealing. But if the Condition be, that if such a Ship shall sail from *London* to a Port abroad, and shall not arrive there, &c. then, &c. here the Contingency begins not till the Departure. *Leg. Naval. Rhod. Jure Marit. 281.*

Many Masters of Ships having insured or taken up Money upon Bottomry, to a greater Value than their Adventure, have sometimes wilfully cast away, burnt, or otherwise destroyed the Ships under their Care; therefore by Statute 10 *Car. 2. c. 6.* the Crime was made Felony, and the Person or Persons offending were to suffer Death: And this Law was continued by a Statute made in the first Year of the Reign of *Queen Anne.*

*Vide Statutes 4 Geo. 1. c. 12. and 11 Geo. 1. c. 29. under the Head Navigation and Shipping, and 19 Geo. 2. c. 37. under the Head of Assurance.*

*A Bill of Bottomry is made as follows :*

To all People to whom these Presents shall come, I *A. B.* of, &c. Owner and Master of the Ship, called, &c. of the Burthen of two Hundred Tons, now riding, &c. and bound for, &c. in the *West-Indies*, send Greeting. Whereas I the said *A. B.* am at this time necessitated to take up upon the Adventure of the said Ship, called, &c. the Sum of one hundred Pounds, for setting forth the said Ship to Sea, and for furnishing her with Provisions, &c. for the said Voyage, which *C. D.* of, &c. Merchant, hath on Request lent unto me, and supplied me with at the Rate of 20*l.* for the said 100*l.* during the said Voyage. Now know ye, that I the said *A. B.* do by these Presents for me, my Executors and Administrators, covenant, grant and agree to and with the said *C. D.* his Executors and Administrators, that the said Ship shall with the first fair Wind, after the Day, &c. of this Instant, &c. depart from the said River of *Thames*, and shall, as Wind and Weather shall serve, proceed on her Voyage to, &c. aforesaid in the *West-Indies*, and having there tarried until, &c. and having the Opportunity of a Convoy, or being sooner dispatched, (which shall first happen) shall return from thence, and as Wind and Weather shall serve, directly sail back to the River of *Thames* to finish and end her said Voyage. And I the said *A. B.* in Consideration of the said Sum of 100*l.* to me in Hand paid by the said *C. D.* at and before the Sealing and Delivery of these Presents, do hereby bind my self, my Heirs, Executors and Administrators, my  
Goods

Goods and Chattels, and particularly the said Ship, with the Freight, Tackle and Apparel of the same, to pay unto the said *C. D.* his Executors, Administrators or Assigns, the Sum of 120*l.* of lawful Money of *Great Britain*, within one and twenty Days next after the Return and safe Arrival of the said Ship, in the said River of *Thames*, from the said intended Voyage. And I the said *A. B.* do also for me, my Executors and Administrators, covenant and grant to and with the said *C. D.* his Executors and Administrators by these Presents, that I the said *A. B.* at the time of the Sealing and Delivery of these Presents am true and lawful Owner and Master of the said Ship, and have Power and Authority to charge and engage the said Ship as aforesaid; and that the said Ship shall at all times after the said Voyage, be liable and chargeable for the Payment of the said one hundred and twenty Pounds, according to the true Intent and Meaning of these Presents. And lastly, it is hereby declared and agreed by and between the said Parties to these Presents, that in case the said Ship shall be lost, miscarry, or be cast away, before her next Arrival in the said River of *Thames* from the said intended Voyage, that then the said Payment of the said 120*l.* shall not be demanded or be recoverable by the said *C. D.* his Executors, Administrators or Assigns, but shall cease and determine, and the Loss thereof be wholly born and sustained by the said *C. D.* his Executors and Administrators; and that then, and from thenceforth, every Act, Matter and Thing herein before contained, on the Part and Behalf of the said *A. B.* to be done and performed, shall be utterly void; any thing herein contained to the contrary

contrary thereof in any wise notwithstanding. *In Witness, &c.*

Sometimes there is added to this Bill of Bottomry, as a further Security, a short Bargain and Sale of the Ship, &c. with a *Proviso* to be void, on Payment of the Money, and Performance of the Covenants.

*A Bill of Bottomry, where the Ship is to go to several Ports.*

To all People, &c. I *A. B.* of, &c. Mariner, Master and Part-Owner of the good Ship or Vessel called, &c. of *London*, of the Burthen of two hundred Tons or thereabouts, now riding at Anchor in the River of *Thames*, within the Port at *London*, do send Greeting: Whereas the said Ship is now bound out upon a Voyage from the said Port, unto the Island of *Barbadoes*, and from thence, if Occasion shall be, to the Island of *May*, and so to return back again to the said Island of *Barbadoes*, and thence to *London* to end her Voyage: Now know ye, that I the said *A. B.* for me, my Executors and Administrators, do covenant and grant, to and with *C. D.* of, &c. (who before the Sealing and Delivery hereof, hath paid and advanced unto me the Sum of one hundred Pounds of lawful Money of *Great Britain*, and is contented and agreed to stand to, and bear the Adventure of the said Sum upon the Body of the said Ship, during the said Voyage) and to and with the Executors, Administrators and Assigns, by these Presents, that the said Ship, with the first good Wind and Weather, after the Day of, &c. next ensuing the Date hereof, shall

VOL. I. I depart

depart from the said River of *Thames*, on the said intended Voyage, and shall by God's Grace (the Perils and Dangers of the Sea, and Restraint of Princes and Rulers excepted) return into the River of *Thames* from her said Voyage, before the Expiration of fourteen Months, to be accounted from the Date of these Presents; and that the said Ship, in her said intended Voyage, shall not sail or apply unto any other Ports or Places, than those before mentioned herein, unless she shall be necessitated thereto, by Extremity of Weather, or other unavoidable Accident. And that I the said *A. B.* my Executors, Administrators or Assigns, shall and will well and truly pay or cause to be paid unto the said *C. D.* his Executors, Administrators or Assigns, at, &c. the Sum of one hundred and thirty Pounds of lawful Money of *Great Britain*, in respect of the Adventure aforesaid, if the said Ship shall go only to the Island of *Barbadoes*, and from thence return to *London* to finish her said intended Voyage, and the Sum of one hundred and forty Pounds of like Money, if the said Ship shall go from thence to the Island of *May*, and so return again to the said Island of *Barbadoes*, and thence to *London* to end her said Voyage; and that within one Month, after the Return of the Hull or Body of the said Ship, into the River of *Thames* from her said Voyage. Provided always, and it is nevertheless the true Intent and Meaning of these Presents, that if the said Ship in her said intended Voyage, shall happen to be lost, miscarry, or be taken by Men of War, or Pirates, that then this present Writing or Deed, and every Covenant, Payment, Matter and thing therein contained, on the Part and Behalf of me the

said *A. B.* to be done, paid and performed, shall be void, and of none Effect: And that then I the said *A. B.* my Executors or Administrators shall not be any ways chargeable, or liable to pay the said several Sums before mentioned, or either of them, or any part thereof to the said *C. D.* his Executors, Administrators or Assigns, but that he and they are to lose the same, and every part thereof; any thing herein before contained to the contrary thereof in any wise notwithstanding.

And it is agreed by and between the said Parties to these Presents, that in case the said Ship shall not be returned unto the River of *Thames* from the said intended Voyage, at the end of the fourteen Months, to be accounted from the Date of these Presents; and that at the Expiration of the said fourteen Months, there shall not be just Proof made of the Loss, happening within the time aforesaid: That then I the said *A. B.* my Executors, Administrators or Assigns, shall and will within twenty Days, next after the End and Expiration of the said fourteen Months, well and truly pay or cause to be paid unto the said *C. D.* his Executors, Administrators or Assigns, at the Place of Payment aforesaid, the said Sum of one hundred and thirty Pounds, in case the said Ship shall go unto the Island of *Barbadoes* as aforesaid, and the said Sum of one hundred and forty Pounds, in case the said Ship shall go unto the Island of *May* as aforesaid; and that the said *C. D.* shall not run the Hazard and Adventure of the said Sum by him adventured as aforesaid, upon the Body of the said Ship, any longer than fourteen Months, to be reckoned and accounted as aforesaid. *In Witness, &c.*

*A Bottomry Bond is of the following Form:*

Know all Men by these Presents, that  
 I *A. B.* of the Parish of, *Éc.* in the  
 County of *Middlesex* Mariner, am held  
 and firmly bound to *C. D.* of, *Éc.* in  
 the County aforesaid Merchant, in two  
 hundred and eighty Pounds of good and  
 lawful Money of *Great Britain*, to be  
 paid to the said *C. D.* or to his certain  
 Attorney, his Executors, Administrators  
 or Assigns; for which Payment well and  
 truly to be made, I bind my self, my  
 Heirs, Executors, and Administrators,  
 firmly by these Presents sealed with my  
 Seal: Dated this      Day of, *Éc.* in  
 the twenty-sixth Year of the Reign of our  
 Sovereign Lord *George* the second, by  
 the Grace of God, of *Great Britain*,  
*France* and *Ireland* King, Defender of  
 the Faith, *Éc.* and in the Year of our  
 Lord one Thousand seven Hundred and  
 fifty-three.

The Condition of this Obligation is such, that  
 if the above bound *A. B.* his Heirs, Executors  
 and Administrators, do and shall well and truly  
 pay or cause to be paid unto the above named  
*C. D.* his Executors, Administrators or Assigns,  
 the full Sum of one hundred and thirty Pounds  
 of lawful Money of *Great Britain*, at or before  
 the end of one Month next after the Return of  
 the Ship, *Éc.* (Burthen, *Éc.* whereof the said  
*A. B.* is Master,) from her present intended Voy-  
 age which she is to make to the Island of *Bar-*  
*badoes*,

*badoes*, and safe Arrival in the River of *Thames*; and pay the full Sum of one hundred and forty Pounds of, &c. if the said Ship shall go to, &c. And also shall and do well and truly observe, perform, fulfil, and keep all and every the Covenants, Grants, Articles and Agreements, which on his or their Parts and Behalves are or ought to be observed, performed fulfilled and kept, mentioned and contained, in a certain Writing or Bill of Bottomry of the Date above-written, made by and from the said *A. B.* Part-Owner of the said Ship unto the said *C. D.* in all things according to the true Intent and Meaning of the said Bill of Bottomry, or Adventure; that then this Obligation shall be void, or else it shall remain in full Force and Virtue.

---

## C H A P. X.

*[Of Hypothecations of Ships and Salvage.]*

**T**O hypothecate a Ship, is to pawn or pledge the same for Necessaries: And into whose hands soever the Ship comes it is liable; so if Goods be hypothecated, it will be the same.

By the Common Law, a Master of a Ship could not impawn the Ship or Goods; for no Property either general or special, nor such Power is given unto him, by the constituting of him Master: But by the Civil Law, in Cases of Necessity he may do it rather than the Voyage should be lost; and the Reason of the Civil Law, which allows the Pawning of a Ship for

Necessaries upon the High Sea seems to be plain; viz. because there may be an invincible Occasion and Necessity at Sea, but not at Land. And the Common Law hath held the Law of *Oleron* reasonable, that if a Ship be at Sea and takes Leak, or otherwise wants Victuals, or other Necessaries, whereby she is in Danger, or the Voyage may be defeated, in such case the Master may impawn for Money or other things to relieve such Extremities, by employing the Money to that end; for he is the Person trusted with the Ship and Voyage, and therefore may be reasonably thought to have that Power implicitly, so as not to see the whole Voyage lost. *Leg. Oleron* 22. *Hob. Rep.* 12.

But a Master for any Debt of his own cannot pawn or hypothecate the Ship; the same being no ways liable but in Cases of Necessity, for Relief and compleating of the Voyage: Nor can he sell or dispose of the Ship, without a special Authority or Licence from the Owners; and when he doth hypothecate the Vessel or Furniture, he ought to have the Consent and Advice of his Mariners; but when the Ship is well engaged, she is for ever obliged, and the Owners are concluded thereby till Redemption. Tho' such Obligation of the Vessel must be in foreign Parts, or Places where the Calamity attending the Ship is universal; and the Master may not in every Case of Necessity impawn the Vessel or Furniture. *Leg. Oleron, c. 1, 12. Jure Marit.* 202.

If a Vessel in her Voyage happens to be wrecked or cast away, and the Mariners by their great Pains and Care, recover some of the Ruins and Lading; the Master in that case may pledge  
the

the same, the Produce of which he may distribute amongst his distressed Mariners, in order to the carrying them home to their own Country : But if the Mariners no way contributed to the Salvage, then their Reward is sunk and lost with the Vessel. And if there be any considerable part of the Lading preserved, the Master ought not to dismiss his Men, till he hath Advice from the Laders or Freighters, and knows their Pleasure; for otherwise he may be made liable for Damage. *Leg. Oleron, c. 3.*

Where Merchants freight out a Ship at their own Charge, and set her to Sea, and it happens afterwards that the Vessel enters into some Harbour, and is there Wind-bound, and the Master delay'd in his Voyage till he wants Necessaries, the Master is not only to write home for Supplies, but he may impawn his Ship or Lading at his Pleasure, or at least such Goods as he can most conveniently raise Money on, rather than to lose his whole Voyage on that Account : And if he cannot pawn the Lading, he may sell as much thereof as is necessary, to answer his Occasions; in all which Cases his Act obliges. However Orders and Instructions are carefully to be followed. *Jure Marit. 203.*

A Ship being in great Distress upon the Sea, and wanting a Cable, the Master contracted with a Person for a Cable, which he delivered to him, &c. In an Action for the Money, it was held that by the Maritime Law, every Contract of the Master implies an Hypothecation, but at Common Law it is not so, unless it be so expressly agreed : In the Case of *Coster* and *Lewelly* there was an express Hypothecation, and that was in a Place where Hypothecations are allowed,

for it was at *Rotterdam*; and a Master may hypothecate either Ship or Goods, because he is intrusted with both, and represents the Traders as well as Owners of the Ship. 1 *Salk. Rep.* 34.

In the Case of *Johnson* against *Shippen*, a Ship in Distress on the High Sea in her Voyage, put into *Boston* in *New England*, and there the Master took up Necessaries, and by Bill of Sale hypothecated the Ship; and now there being a Suit in the Admiralty against the Ship and Owners to compel Re-payment, on a Motion for a Prohibition, the Court of *B. R.* held, that the Master could not by his Contract make the Owners personally liable, but the Suit against the Ship was good, otherwise there can be no Remedy by our Law: And to hypothecate Ships is absolutely necessary for the Preservation of Navigation; for the Master can have no Credit abroad, but upon giving Security by Hypothecation. If a Ship in Harbour here in *England* be pawned or hypothecated, the Party shall not sue for it in the Admiralty. *Mich. 2 Ann.* 1 *Salk.* 35. *Mod. Caf.* 79.

As a Master has Power to pawn the Ship, upon an extraordinary Occasion; so he may subject part of the Ship and Cargo to save the whole, and Redemption is a Species of *Salvage*: The Master of a Ship doth represent the Owners and Freighters, and may detain the Goods for the Freight; and it seems very reasonable, that a Master compounding for Goods, under the Circumstances of a Capture, either by Enemies or Pirates, should be satisfied by the Owners: And here the Lord Chief Justice *Holt* said, that where a Ship is taken by an Enemy, and no Hopes of retaking; the Master may compound  
for

for a Ransom, as well as do other things to preserve the Vessel. *Mod. Cas.* 11, 12.

By the Naval Laws of *Oleron*, if a Ship departing with her Lading to any Place abroad, happens in the Course of her Voyage to be rendered unfit to proceed therein, and the Seamen save as much of the Lading as possibly they can; if the Merchants require their Goods of the Master, he may deliver them if he pleases, they paying the Freight in Proportion to the Part of the Voyage that is performed, and the Costs of the Salvage: But if the Master can readily refit his Vessel he may do it; and altho' he has promised the People who help'd him to save the Ship, the third or the half Part of the Goods saved, for the Danger they ran therein; yet if such a Cause come before any Judicature, it shall be considered the Pains and Trouble they have been at, and the Reward be accordingly, without any regard to the Promises made them by the Parties concerned, in the time of their Distress.

*Leg. Oleron, c. 4.*

If a Ship puts to Sea with Merchants Goods, and there she is disabled or perishes by the Fault of the Master or his Men; the Goods that are saved, shall be secured in a certain Place free from Danger: But if it be proved by Witnesses, that the Misfortune was occasioned by Tempest, what remains of the Ship and Goods shall be brought to a Contribution; and the Master shall retain half the Value of the Freight, by the Laws of *Rhodes*. And the same Laws have ordained, that if a Ship be surprized at Sea with Whirlwinds, or wrecked at Sea, any Person saving any part of the Wreck, shall have one fifth of what he saves. *Leg. Rhod. c. 27, 45.*

And

And for the Charges of Salvage very great Allowances have been made; as to the Divers and Salvors, the half, the third, or the tenth of the Things sav'd, according to the Depth of the Water out of which they were fish'd, whether fifteen, eight, or one Fathom: Also a tenth part for Salvage on the Coast; and the fifth to him that saving himself, carries something with him. If the Ship only perish, and the Goods be saved, then the Goods shall pay the tenth or the fifth, as the Difficulty of the saving thereof shall require; and Gold, Silver, Silk, and the like, being of easy Transportation, shall pay less than Goods of greater Weight and more burthensome for Carriage, which are in greater Danger. *Sea Laws* 125. *Lex Mercat.* 119.

Where things are cast up by Shipwreck, or left thro' casting in Storms, the Laws of *Rhodes* allow to the Finder a fifth part for the saving; and in *France* they allow one third part for Salvage: But by the common Custom of Countries, every Person of Quality, or Lord of a Manor, &c. claims all as his own, if it cometh upon his Land; contrary to some Sea Laws, which give it to the Finder. Tho' by the Opinion of Lawyers, the Finders thereof should do therewith, as with other Goods found upon Land; they ought to proclaim the things to be forthcoming to the true Owner or Loser, and if no Man claim the same, then the Finder to keep them to himself. *Lex Mercat.* 119:

By Statute 12 *Ann. c.* 18. All Persons required by Constables, &c. who shall act in the saving and preserving any Ship in Distress on our Sea-Coasts, or the Cargoes thereof, shall within thirty Days after be paid a reasonable Reward for the

he same, by the Master of the Ship or Merchant; in Default whereof, the Ship or Goods so saved, shall remain in the Custody of the Officers of the Customs 'till Payment be made: And if any Difference arise about the Salvage, three Justices of Peace shall adjust the *Quantum* to be paid to the Persons acting therein, which shall be binding to all Parties, and recoverable in an Action at Law.

And if Goods thus saved are not claimed in twelve Months, they shall be sold, the Justices taking an Account thereof in writing, signed by the Officer of the Customs, into whose hands they are safely put; and if they be perishable Goods, are to be forthwith sold; and after Charges deducted, the Money arising by such Sale shall be transmitted into the *Exchequer*, with a fair Account of the whole, for the Benefit of the Owner, who on Proof of his Property before one of the Barons of the *Exchequer*, shall upon his Order receive the same.

If any Persons shall molest any one in saving the Ship or Goods, or when saved shall deface the Marks of any Goods before the same be entered in a Book for that purpose; such Persons shall in twenty Days make double Satisfaction to the Party grieved, at the Discretion of the two next Justices, or in Default thereof shall be sent to the House of Correction for twelve Months. See the Remainder of this *Statute* under *Wrecks*.

## C H A P. XI.

*Of Average and Contribution for Loss.*

AVERAGE is commonly used by the Law Merchant, to express that Contribution which Merchants and others make towards Losses sustained, where Goods are cast into the Sea, for the Safeguard of the Ship, or of the other Goods and Lives of the Persons therein, during a Tempest: And it is called Average and Contribution, because it is proportion'd and allotted after the Rate of every Man's Goods aboard.

By the ancient Laws and Customs of the Sea, in a Storm, when there is an extream Necessity, the Goods, Wares, Guns, or whatsoever else is on board a Ship, may, by consulting the Mariners, be thrown over-board by the Master for the Preservation of the Ship; and if they consent not, the Master may notwithstanding command the casting over-board what Goods or Things he shall judge most fitting, for the Safety of the rest, in case the Storm and Danger continues: But if there be a Merchant or Supercargo aboard, on Request he should begin first; and then the Mariners, who if they imbezil any part to their own Use of that which should be cast over shall answer double. And if the Merchant refuses, yet the Master and Mariners may proceed without him; but they must take Care, that things of the least Value and greatest Weight be flung over-board: And if the Ship happens to out-weather the Storm, and arrives safe at her Port of Discharge, the Master and the greatest part  
of

of the Crew when they come to Land are to make Oath, that the Goods were cast over-board for no other Cause but for the Safety of the Ship; and then the Remainder of the Goods that have obtained Safety, whether they pay Freight or not, must come into the Average. *Leg. Oleon, c. 8. Leg. Rhod. 1 & 2.*

All the Parties interested are to bear the Loss by a general Contribution; and a Master or Purser of a Ship, shall contribute for the Preservation thereof; also the Passengers, for such things as they have in the Ship, be they precious Stones, Pearls, or the like: And where Passengers have no Goods in the Ship, in regard they are a Burthen to it, 'tis said an Estimate shall be made of their Apparel, Rings, Jewels, &c. towards a Contribution for the Loss; and generally Money and Jewels, Clothes, and all things in the Ship, (except the Clothes which are borne upon a Man's Body, or Victuals, &c. put on Shipboard to be spent) are liable to Average and Contribution. And the Goods lost shall be valued, and the Goods and Merchandize saved are to be estimated; which being known, a proportionable Value shall be contributed by the Goods saved, towards Reparation of the Goods cast over-board; and if in the casting over, or lightning of the Ship, any of the remaining Goods are spoiled or receive Injury, the same must come into the Contribution for the Damage received. *Jure Marit. 233, 236.*

If there happens to be Plate, &c. in a Trunk, Chest or Bale, at the time of the casting over Goods, and there is a Supercargo aboard the Ship, he ought to discover and give notice of the same to the Master or Mariners; otherwise he

he shall be answered in the Contribution no more than the bare extrinſick Value appears to be: Tho' the Aſſurers of the Goods do not come off ſo eaſy. And as to the Eſtimation of Goods, in theſe caſes; ſome have held, that in this Regard is had, not to what might be got by the Goods loſt, but what the Damage is by the Loſs of the ſame; and therefore they are not to be eſtimated at the Value they might have been ſold, but at how much they coſt or were bought for: But others ſay the contrary, that the Price is to be ſet down, for ſo much as the Goods might be ſold, at the time when the Ejectment was made. According to the Author of *Lex Mercatoria*, in the rating of Goods by way of Contribution, this order is to be obſerv'd; if they happen to be caſt over-board before half the Voyage is performed, they are to be valued at the Price they coſt; but if after, then at the Price of the reſt, or as the like Goods ſhall be ſold for at the Place of Diſcharge: And the Cuſtom is now general, that the Goods ſaved and loſt ſhall be eſtimated at the Rate for which thoſe ſaved are ſold; Freight and other neceſſary Charges being firſt deducted. *Jure Marit.* 237. *Lex Mercat.* 113.

In caſe a Ship's Gear or Apparel be loſt by Storm, the ſame is not within the Average, but is accounted like unto a Workman breaking or ſpoiling his Tools; unleſs it be in the avoiding of a Danger, as the flinging the Maſt over-board, &c. For if to avoid the Danger of a Storm, the Maſter cuts down the Maſts and Sails, which falling into the Sea are loſt, this Damage is to be made good by the Ship and Lading *pro rata*; but 'tis otherwiſe if it happens by the Storm, or other Casualties. The Laws of *Oleron* ordain, that if  
by

by Reason of much foul weather the Master is constrained to cut his Masts, he is first to consult those aboard the Ship that have Goods and Merchandize in the Vessel, and tell them it is necessary; and frequently Masters also cut their mooring Cables, leaving behind them Cables and Anchors, to save the Ship and her Lading: All which things are reckoned and computed, as the Goods are that were cast over-board, and the Master shall be paid for them in Proportion by the Merchants. But if any Persons aboard the Ship desire the Master to put into any Port out of his way for fear of Pirates, and in going out of that Port he loses Anchors or Cables, those who desired him to put in there shall pay for them. *Leg. Rhod. c. 2. Leg. Oleron, c. 9. Sea Laws 135, 136.*

The Goods cast overboard to lighten the Ship make no Dêrelict, so as to be forsaken, or wilfully cast away. If being shipp'd aboard in *England*, such Goods are taken up by another *English* Ship at Sea, an Action lies to recover the Goods: And where any Goods are thrown overboard, and afterwards recovered again, the Average or Contribution ceases; saving for so much as they shall be damnified and made worse by reason of such Ejectment. If before the Goods happen to be recovered, the Owner hath had an Average, he ought to restore the Money to those who paid him, deducting for the Loss he may be at by his Merchandize being damaged. *Ibid.*

Some Sea Ordinances under the Title of Averages, require that the Ship's Utensils should be first thrown over-board; such as old Cables, Fire-wood, Anchors and Guns, which weigh heavy,

heavy, and are not of the greatest Service; then the Chests belonging to the Ship's Crew, as being of least Value; and after them other things: But tho' to prevent the Ruin and Destruction of the Persons aboard, there be a Necessity to subject the Lading to Ejection; yet some things seem to be excepted in some Cases, as Canon and other Instruments, or Provisions consign'd to relieve a City in time of War, ought not to be flung over-board; for in this Case, the Law imposeth on every Subject, that he prefer the urgent Service of his Prince before the Safety of his Life. *Sea Laws* 133. *Jure Marit.* 238.

If a Ship or Vessel be indiscreetly stowed with Goods, or the Lading is above the Birth-mark, and an Ejection happens; by the Maritime Laws, no Contribution shall be made, but Satisfaction is to be answered by the Ship-Master or Owners. Where Goods or Merchandizes are laden above the Overlope of the Ship, or forbidden Goods are put on board; and such Goods happen to be the Cause of any Danger or Damage, the Master shall bear the Loss, and he may be also prosecuted for the same: If the Master having received his Compliment of Goods, takes in things without Leave of the Freighters, and a Storm arises at Sea, in which part of their Goods are thrown over-board; the Master only shall answer it, and there shall be no Average. And for Goods brought secretly into the Ship, without the Knowledge of the Master or Purser, if they are ejected, Contribution shall not be had. *Leg. Rhod.*

A Ship being taken at Sea, the Master to get the Ship and Lading out of the Enemies hands, engages

engages to pay a Sum of Money, as a Security for the Performance whereof he puts himself in the Custody of the Captor; here the Master shall be redeem'd at the Costs and Charges of the Ship and Lading, according to every Man's Interest, by a Contribution. So where a Pirate takes part of the Goods and Merchandize to spare the rest, Contribution must be paid; but if he take the same by Violence, the rest are not subject to Average, unless the Merchant hath made an exprefs Agreement to pay it after the Ship is robbed: Tho' where an Enemy takes Goods, or they are taken by Letters of Marque or Reprisal, the Remainder shall be liable to Average and Contribution. *Moor's Rep.* 297. *Jure Marit.* 236.

Contribution is to be paid for the Pilot's Fee, that hath brought a Ship into a Port or Haven for her Safeguard; (it being not the Place she was designed for) and likewise for raising of the Ship off the Ground, when there is no Fault in the Master. And if two Ships happen to strike against each other, whereby Damage is received, if there be no Fault or Miscarriage in either, Contribution is to be made by a just Equality, as it happen'd accidentally; but if there be a Fault or Miscarriage on either Side, it is otherwise, for then a full Satisfaction shall be made the Merchant injured: And in case one Ship perissheth, the Loss cannot be proportioned, so that there can be no Contribution; for if this were to be thrown into an Average, a Person might of purpose set an old weak Ship against a strong Ship, and by that Means hedge himself into a Contribution and extraordinary Recompence. Also this hinders not the Owners of a suffering Ship

from bringing their Action against the negligent Master of the other, to recover Damage; but if it be done in the Night, to entitle this, it may be necessary for the Party to prove that he made out Light or Fire, or otherwise gave notice by Crying or Calling out. 3 *Inst.* 146. *Noy's Rep.*

As the Common Law looks upon the Goods and Cargo of a Ship, to be a Security for the Freight due; so the Maritime Law adjudges them as a Security for answering the Average and Contribution, and that the Master ought not to deliver the Goods till a Contribution is settled; the same being tacitly obliged for the one, as well as the other: And therefore if the Contribution be settled, and any Merchant will not agree thereto, the Master may detain the Lading; and if in that case such Merchant or the Party Owner of the ejected Goods, should bring an Action at Law against the Master or Owners of the Vessel, they may bar the same by pleading the special Matter. *Leg. Rhod. c. 2. Jure Marit.* 233, 234.

If a Lighter or the Ship's Boat, into which part of the Cargo aboard is unladen for the lightening of the Ship, shall perish and the Ship be preserved, Contribution is to be made; but if the Ship be cast away, and the Lighter or Boat preserv'd, no Average or Contribution is recoverable: For Contribution may not be had in any case, but where the Ship arrives in Safety. Where Passengers cast Goods out of a Ferry-Boat, in case of a Tempest, which they may do for Preservation of their Lives, the Owners shall have no Remedy; unless the Boatman surcharge the Boat, when they may have their Action against him. *Moor* 297. 2 *Bulst. Rep.* 280.

After a general Shipwreck, there is no Average or Contribution, but *Save who save can*, as is vulgarly said on this Occasion. There is an Average paid to Masters of Ships, for taking care of the Goods expressed in *Bills of Lading*.

Vide *Restitution and Redemption*, Vol. II.

## C H A P. XII.

### *Of Wrecks, Flotsam, Jetsam, and Lagan.*

**W**RECK is where a Ship is broke to Pieces, or lost on the Sea; and signifies in our Law such Goods, as after a Shipwreck are cast upon the Land by the Sea, and left there within some County, for they are not Wrecks so long as they remain at Sea, in the Jurisdiction of the Admiralty.

In Matters of Wreck it is observed, that there is as it were a Contract between the Persons that have lost their Goods by such Misfortune, and them upon whose Lands the Goods and Merchandize are driven, that the same be restored to them, or those that claim under them: And therefore by the *Civil Law*, no Man shall meddle with such Goods as are wreck'd, nor shall they be seized by the King or any other by virtue of his Grant or Royal Privilege; for that such Goods being cast on Land and recovered out of the Sea, remain still his who was the first Owner thereof, and shall go to him or his Successor; and if it be proved that any thing be

ſtolen out of the Wreck, the Takers ſhall be deemed Robbers.

Here we find what is worthy to be followed and imitated in all trading Countries; and the Reason why the Laws were ſo ſtrictly declared by the *Romans*, was becauſe by the *Rhodian Law*, if any Ship had become Wreck, though all the Perſons were ſaved and alive, yet the Ship and Goods became ſeizeable by the Lords: But the ſame being barbarous and inhumane, it was afterwards repealed and abrogated, as well by thoſe Emperors in their Territories, as here in *England*; and firſt by the Naval Laws of *Oleron*, which provided in ſuch Miſfortune, that if the Merchant or Mariners, or any of them come ſafe to Land, it was not to be accounted Wreck. And the Emperor *Constantine* the Great ſays, if any Ship at any time by Shipwreck be driven unto the Shore, or touch at any Land, *Let the Owner have it, and let not my Exchequer meddle with it; for what Right have I in another Man's Calamity, that I ſhould hunt after Gain in ſuch a woeful Caſe.*

By the Laws of *Oleron*, if a Ship or Veſſel arriving at any Place, and making in towards a Port or Harbour, ſet out her Flag, or give any other Sign to have a Pilot come on board, or a Boat to tow her into the Harbour, the Wind or Tide being contrary; and becauſe of an unreaſonable and accuſed Cuſtom in ſome Places, that the third or fourth part of the Ships that are loſt and become Wrecks, ſhall accrue to the Lord of the Place where ſuch ſad Casualties happen, as alſo the like Proportion to the Savers, and only the Remainder to the Merchant, Maſter and Mariners; therefore the Perſons agreeing for

for the Pilotage of the ſaid Veſſel, to ingratiate themſelves with their Lords, and gain a part of the Ship and Lading, do like faithleſs and treacherous Villains, ſometimes even willingly and out of Deſign to ruin Ship and Goods, guide and bring her upon the Rocks; and then feigning to aid and aſſiſt the diſtreſſed Mariners, are the firſt in pulling the Ship to Pieces, purloining and carrying away the Lading thereof, contrary to all Law and Reaſon; and afterwards that they may be the more welcome to the Lord, do with all ſpeed poſt to his Houſe with the ſad Narrative of this unhappy Diſaſter, whereupon the ſaid Lord, with his Retinue, appearing at the Place, take their Share, the Savers theirs, and what remains the Merchant and Mariners may have: Now ſeeing all this is againſt the Law of God, it is hereby ordained, that the ſaid Lord of the Place and Salvors, and all others that take away any of the ſaid Goods, ſhall be excommunicated, and puniſhed as Thieves and Robbers; but the falſe and treacherous Pilots ſhall be condemned to ſuffer a moſt rigorous and unmerciful Death, and high Gibbets ſhall be erected for them in the ſame Place, or as near as may be, where they guided and brought any Ship to Ruin as aforeſaid, and thereon they ſhall with Shame and Ignominy end their Days; which Gibbets are to abide and remain to ſucceeding time on that Place, as a Caution to other Ships that ſhall afterwards ſail thereby. *Leg. Oleron, c. 25.*

And if the Lord of any Place be ſo barbarous, as not only to permit ſuch inhumane People, but alſo to maintain and aſſiſt them in ſuch Villanies, that he may have a Share in ſuch Wrecks, the ſaid Lord ſhall be apprehended, and all his Goods

confiscated and sold, in order to make Restitution to such as of Right it appertaineth; and himself shall be fastened to a Post or Stake, in the midst of his own Mansion-House, which being fired at the four Corners thereof, all shall be burnt together; and the Walls shall be demolished, the Stones pull'd down, and the Place converted into a Market-place, for the Sale only of Hogs and Swine to all Posterity. *Idem, c. 26.* These two *Articles* of the Laws of *Oleron* I have inserted at length, on Account of the great and just Spirit of them. This Barbarity is now rarely practised in any Nation of *Europe*, unless it be against the Enemies of the State, Infidels or Pirates: But that which upon our *English* Coasts the common People practise, when a Ship is unfortunately driven to Land, before any Assistance comes, is too much like it, and ought to be made a capital Offence.

And by the same Laws, if any Ship sailing to and fro, and coasting the Seas, as well in the way of Merchandise as otherwise, happen by Misfortune, through the Badness of the Weather to strike against any Rocks, whereby she is so broken that she perisheth upon that Coast or Country, and the Master, Mariners, Merchants, or any of those shall escape, and come safe to Land; in this case the Lords of that Place or Country where such Misfortune happens, shall not hinder or oppose such that have so escaped, or them to whom the said Ship or Vessel and her Lading belong, in using their utmost Endeavours for Preservation of as much thereof as may possibly be saved: But on the contrary shall be aiding and assisting to the distressed Mariners or Merchants, in saving their shipwreck'd Goods,  
and

and that without the leaſt Imbezilment, or taking any part thereof from the right Owners: And in caſe any ſhall act contrary hereunto, or take any part of the ſaid Goods from the diſtreſſed, ruined and undone ſhipwreck'd Perſons againſt their Wills, (except for Salvage as Juſtice ſhall appoint,) they ſhall receive the Punishment of Thieves, if ſpeedy Reſtitution be not made by them; nor ſhall any Cuſtom protect them againſt the Penalties in the twenty-fixth Article of the Laws. *Leg. Oleron, c. 29.*

And where a Ship or other Veſſel entering into Harbour happens to be broken and periſh, and the Maſter and Mariners which were on board her be all drowned; if the Goods belonging to the Ship be driven aſhore, or remain floating on the Sea, without being ſought after by the Owners thereof, they being ignorant of the ſad Diſaſter; in this lamentable Caſe, the Lord of that Country ought to ſend Perſons to ſave the ſaid Goods, which he ſhall put into ſafe Cuſtody, and give notice thereof to the Relations of the deceased Perſons, and ſhall out of the Goods ſatisfy for ſaving them, according to the Hazards run, and the Pains therein taken, and then the Remainder muſt be ſecured and kept for one Year or more: And if in that time they, to whom the ſaid Goods appertain, do not appear and make their Claims thereto, the ſaid Year being fully expired, the Lord may publickly ſell and diſpoſe thereof to ſuch Perſons as will give moſt for the ſame; and the Money ariſing from ſuch Sale he ſhall give amongſt the Poor, and to other charitable Uſes: But if he aſſumes the ſaid Goods, in the whole or in part to himſelf, he ſhall incur the

Pains and Penalties aforeſaid, unleſs he make Satisfaction. *Ibid.* c. 30.

There are ſeveral other excellent Proviſions in the Laws of *Oleron*, to ſecure ſhipwreck'd Goods to the diſtreſſed Owners; and by other Sea Laws and Ordinances, if any Man ſhall hinder Aſſiſtance being given to ſhipwrecked Perſons, he ſhall be puniſhed as a Murderer: And the like Punishment hath been ordained for thoſe who ſhall by Treachery put forth any Light with Intention to ſubject them to Danger of Shipwreck; and hence it is that Fiſhermen are forbidden to fiſh with Lights in the night. By the Laws of *France*, ſuch as during the night light falſe Fires upon the Shore in dangerous Places, to decoy thither, and occaſion the Loſs of Ships, ſhall be put to Death; and their Bodies hung up upon a Maſt, which ſhall be ſet up on the Place where the Fires were made. *Sea Laws* 356, 156.

If a Ship and Goods periſh in the Sea, and the Owners abandon her, ſo that ſhe becomes a mere Dereliſt; in ſuch caſe, the firſt Perſon that takes Poſſeſſion of her, and recovers any part of the Lading, gains a Property therein by the Laws of Nations. And where any ſuch Wreck happens by any Fault or Negligence in the Maſter or Mariners; the Maſter muſt make good the Loſs; but if the ſame was occaſioned by the Act of God, or done to avoid an Enemy or Pirate, there he ſhall be excuſed. The Maſter, &c. ſhall ſuſtain the Damage, where he or any of his Mariners lie aſhore, and the Ship during their Abſence periſheth, whether by night or by day, &c. *Leg. Rhod.* c. 26.

By the *French* Laws, all Ships and Perſons belonging to them, that ſhall be caſt aſhore by Tempeſt,

peſt, or otherwiſe, upon the Coaſts of that Kingdom, and every Thing that has eſcaped Shipwreck, is declared to be taken into the Protection of the King: And all Subjects are enjoined, not only to do their utmoſt Endeavours to ſuccour all Perſons in Danger of Shipwreck; but alſo, 'till the Arrival of the Officers of the Admiralty, to ſave the ſhipwrecked Goods, and prevent their being riſſed, under pain of being anſwerable for all Loſſes and Damages, of which they ſhall not be excuſed, without producing thoſe that are guilty: And ſuch as make any Attempt upon the Lives or Goods of ſhipwrecked Perſons, ſhall be puniſhed with Death; without any Poſſibility of a Pardon. *Sea Laws* 349.

In ancient times, all Wrecks in *England* belonged to the Crown; and where a Ship is periſhed at Sea, and no Man doth eſcape out of it, the wrecked Goods being brought to Land by the Waves, by the *Common Law* belong to the King by his Prerogative, or to the Lord of the Manor: And the Statute *de Prærogativa Regis*, 17 *Ed.* 2. ordains, that the King ſhall have Wreck of the Sea, Whales and great Sturgeons taken in the Sea and elſewhere, throughout the Realm; except in Places privileged. But it was formerly uſual to ſeize Wrecks as forfeited to the King, only when no Owner could be found; for in ſuch caſe it muſt of conſequence belong to him, as Lord of the narrow Seas, which he is obliged to ſcower of Pirates, &c. and the Product of Wrecks was ordained to contribute to the Charge. *Bract. lib.* 2. c. 5.

And by *Stat.* 3 *Ed.* 1. c. 4. called the Statute of *Westminster* the firſt, it is enacted, that where a Man, Dog, or Cat eſcapes alive out of the Ship,

Ship, neither the Ship nor any thing therein, ſhall be adjudged a Wreck; but the Goods ſhall be ſaved and kept by the Sheriff, Coroners, or King's Bailiffs, and delivered to the Inhabitants of the Town where they are found; ſo that if any Perſon within a Year and a Day ſue or apply for thoſe Goods, and prove that they were his Property at the time of the Shipwreck, they ſhall be reſtored to him without Delay: But if not, then they ſhall be ſeized by the ſaid Sheriffs, Coroners or Bailiffs, for the King's Uſe, and ſhall be delivered to the Inhabitants of the Town or Place, who ſhall answer before the Juſtices for the Wreck belonging to the King. Alſo where the Wreck belongs to another, he ſhall have the ſame in like manner; and if any one be convicted to have done otherwiſe, he ſhall ſuffer Impriſonment, make Fine to the King, and likewiſe yield Damages: And Bailiffs to Lords acting contrary, ſhall answer for it, if they have wherewith to do it; and if they have not, the Lord ſhall deliver his Bailiff's Body to the King to be answerable.

The Owners claiming a Wreck muſt make ſufficient Proof of their Title within the Year and Day; and they are to do it by their Marks or Cockets, by the Custom-Houſe Books, or the Teſtimony of reputable Men; and if the Wreck be taken by the King, or ſeized by Perſons having no Authority, the Owner may have a Commiſſion to inquire, and hear and determine it by the Oaths of twelve Men, or he may bring an Action at Law and make his Proof by Verdict. The Year and Day ſhall be accounted from the Seizure; and if the Owner of the Goods dies within the Year, his Executors or Adminiſtrators may

may make Proof: And when such Goods wreck'd  
re perishable, the Sheriff may sell them within  
he Year, and the Sale shall be good; but he  
must dispose of them to the best Advantage, and  
ccount with the Owners. *Fitz. Nat. Br. 12.*

*Inst. 167.*

If a Ship is ready to sink at Sea, and all the  
Men therein, for Preservation of their Lives,  
quit the Ship, and afterwards she perishes; if  
ny of the Men are saved, the Goods shall not  
e lost: A Ship on the Sea was chased by an  
Enemy; the Men in it, for the Security of their  
Lives, quitted the Ship, which was taken by the  
Enemy, and spoiled of her Goods and Tackle,  
nd then turned to Sea; after this by Strefs of  
Weather she was cast on Land, where it hap-  
pened her Men safely arrived: It was resolved,  
hat the Ship was no Wreck by our Law. *5 Co.  
Rep. 2.*

Where Goods are wreck'd on Shore, and the  
Lord having Power takes them, he shall not pay  
Custom, neither by the Common Law, nor by  
he Statute Law; for at the Common Law,  
hipwreck'd Goods could not be charged with  
Customs, by reason the Wreck was wholly the  
King's, and he could not have a Custom of what  
was all his own: And Wines or other Goods,  
coming or brought into the Kingdom by Wreck,  
are not imported by any body, but by the Wind  
and Sea; nor can such wreck'd Goods so cast  
ashore, be said to be brought into the Kingdom  
as Merchandize for Sale. *Hill. 23 & 24 Car. 2.*

If a Man have a Grant of Wreck, and Goods  
are wreck'd upon his Lands, and another taketh  
them away before Seizure, he shall have an Ac-  
tion of Trespass, &c. to recover them; and be-  
fore

fore they are ſeized, there is no Property gained, to make it it Felony. 1 *Hawk.* 94. In caſe a Perſon loſes his Goods at Sea, by Piracy or Tempeſt, and not by Wreck, if they afterwards come to Land, and he can make Proof that they are his Goods, they are to be reſtored by the King's Officers, or the Lord's there. *Stat.* 27 *Ed.* 3. *c.* 13.

The Statute of 12 *Ann.* *c.* 18. hath ordained, that the Sheriffs and Juſtices of Peace of every County, or of a City or Town, and all Mayors, Bailiffs, and other head Officers of Corporations and Port-Towns near adjoining to the Sea, and all Conſtables, Tithingmen, and Officers of the Customs in all ſuch Places, upon Application to them made on behalf of any Commander of a Ship in Danger of being ſtranded or run on Shore, ſhall command the Conſtables near the Sea-Coaſt, where ſuch Ship ſhall be in Danger, to call together as many Men as ſhall be neceſſary, to the Aſſiſtance and for the Preſervation of ſuch Ship; and if there ſhall be any Ships of War, or other Ships lying at Anchor near the Place, the Officers of the Customs, and Conſtables, &c. are to require the Aſſiſtance of the ſuperior Officers, by their Boats, and what Hands they can ſpare: And if ſuch Officers ſhall reſuſe or neglect to aſſiſt, they ſhall be liable to the Penalty of 100*l.* to be recovered by the chief Officer of the Ship in Diſtreſs.

No Perſons ſhall enter into ſuch Ships in Diſtreſs, without Leave from the Commander, or a Conſtable, &c. And the Maſters and Conſtables may by force repel Perſons, who ſhall preſs on board the ſaid Ships without Leave: And if any Goods are carried off from any ſuch Ship, and found on any Perſon, if they are not delivered

vered to the Owner on Demand, such Person shall pay treble the Value of the Goods, recoverable by the Owner in an Action at Law. Also if any Officer of the Customs, or his Deputy, abuse the Trust reposed in him by this Act, and shall be convicted thereof, he shall forfeit treble Damages to the Party greived, and be incapable of any Employment in the Customs.

If any Person make Holes in the Bottom, Side, or in any part of a Ship, or steal any Pump, or do any thing tending to the Loss of the Ship, he shall be guilty of Felony. And by this Statute Ships and Goods are to be preserved for the Benefit of the Owners, paying the Salvage, &c. But this Act shall not extend to deprive the Crown, or any Grantee of any Right or Claim to any Wreck or Goods that shall be *Jetsam*, *Flotsam*, or *Lagan*. See *Salvage*.

*Flotsam*, *Jetsam* and *Lagan* are in general, Goods on or in the Sea, and belong to the King, who by Charter hath granted them to the Lord Admiral. In particular *Flotsam* is when a Ship is sunk or otherwise cast away, and the Goods float upon the Sea. *Jetsam* is where the Ship is in Danger of sinking, and for lightening the Ship, the Goods are thrown into the Sea, but notwithstanding the Ship perisheth. *Lagan* is when heavy Goods that sink are cast into the Sea before the perishing of the Ship; and the Master and Mariners, that they may find and have them again, fasten a Buoy Cork, or other Sea-Mark to them, whereby they may be the more easily directed to the Place where they lie, if they shall be in a Condition to retake them.

A Man may have *Flotsam* and *Jetsam* by the King's Grant; and may have *Lagan* within the high

high and low Water-Mark by Prescription, as it appears in the West Country, where the Lords of Manors prescribe to have Wreck in the Sea, so far as they can see a Humber-Barrel. And by the Grant of Wreck will pass *Flotsam*, *Jetsam* and *Lagan*, when they are cast upon Land; for then they are a Wreck, and belong to the Lord entitled to the same: But if they be not cast on the Land, the Admiral hath Jurisdiction, and shall have them, and they cannot be said to be Wreck. 5 Rep. 106.

The King or Admiral shall have *Flotsam*, *Jetsam* and *Lagan*, when the Ship perisheth, and when the Owners of the Goods are not known; but if the Ship doth not perish, it is otherwise. And it is held, that where the Proprietors of the Goods may be known, they have a Year and a Day to claim *Flotsam*. Fitz. N. B. 112. 1 Keb. Rep. 657.

## C H A P. XIII.

### Of Light-houses and Sea-marks.

**A** Light-house, or Beacon by Sea, erected in any Place where requir'd, is of great Use to direct and keep Mariners in the right Course they ought to take to avoid Danger: And these are very necessary in those parts where there are *Bars*, or Entrances into Harbours, that there must be high Tide to carry Ships over them.

Light-houses, and Sea-marks of various Kinds, as sometimes large Trees or Buoys, must be allowed

owed to be proper Cautions to Strangers and others, that they may not precipitately run on Rocks or Sands, to their Ruin and Destruction: And in the Reign of King *Charles II.* care was taken for erecting Light-houses and Lanthorns, and other special Sea-marks; but more especially for the building that most excellent Light-house near *Goldston* by *Yarmouth*, which for its Height, Curiosity and Form, was then reckoned not inferior to any, but rather excelling all or most in any Country whatsoever.

In the fourth and fifth Years of Queen *Anne*, an Act passed for the rebuilding of a Light-house on the *Edystone* by the Master, Wardens and Assistants of *Trinity-House* of *Deptford Strond*; and after the same is rebuilt and a useful Light put therein, there shall be paid to them by the Masters and Owners of *English* Ships and Barks passing by the said Light-house, except coasting Vessels, one Penny *per* Ton inward, and one Penny a Ton if outward bound; of which the Merchant is to pay a Moiety, and the Owner of any Ship the other Moiety: And by Strangers two Pence *per* Ton of the Burthen of the Ship or Vessel; and every Coaster two Shillings only, for each time they pass by the said Light-house.

The said Duties to be received by such Person or Persons, as the said Master, Wardens and Assistants of *Trinity-House* shall appoint, and where such Ships, Barks, or other Vessels shall arrive, load or unload; and on Non-payment, to be recovered in any of the Courts at *Westminster*. Stat. 4<sup>th</sup> & 5<sup>th</sup> *Ann.* c. 20.

By the 3 *Geo.* 2. c. 36. All the Powers, Liberties, Privileges, and Authorities granted in Letters Patent of her Majesty Queen *Anne*, bearing  
Date

Date the thirteenth Day of *July* in the 13th Year of her Reign, to *William Trench*, Esq; for erecting a Light-house on the Island or Rock called *Skerries*, lying in the Sea near *Holyhead* in the County of *Anglesea*; and the said Light-house, with its Rights, Members and Appurtenances, shall be valid and effectual, and continue for ever, vested in *Sutton Morgan*, his Heirs and Assigns: To the Intent that he and they shall keep the Light-house in good Repair; and in the night Season maintain a proper Fire therein, so as the Trade and Navigation in the Channel may be effectually preserved.

And the said *Sutton Morgan* may demand and receive from the Masters and Owners of every Ship, Hoy, Bark, Catch, Vessel or Bottom, passing, crossing, or sailing in or thro' *St. George's Channel*, by *Holyhead* or *Wicklow*, to or from any foreign Port or Place, or which shall pass or cross the said Channel, to or from any Port, Creek, or Place in *Great Britain* southward of *Holyhead* from or to *Wicklow*, or any Port or Place northward thereof in the Kingdom of *Ireland*; or that shall pass, cross or sail from any Port, Creek or Place northward of *Holyhead*, either from any foreign or other Port, and sail between *Holyhead* and the *Calf of Man*, or any way in *St. George's Channel*, to the southward of *Dublin*; and likewise from all Coasters, passing to or from any Port, Creek or Place in *Great Britain*, North of *Holyhead*, from or to any Port, &c. South thereof, one Penny per Ton coming into, and the like Sum going out of the said Ports, Places, Creeks or Harbours in *Great Britain* or *Ireland*; and double such Duties for any foreign Ship or Vessel, &c. passing, crossing or sailing in like manner,

manner, according to their Burthens. But Ships loaden with Coals, or the greatest part of their Loading being Coals, passing from *England* to *Ireland*, shall only pay one Voyage in every Year.

And if any Master, or other Persons having the Command of any Ship, &c. shall refuse to pay the Duties, the said *Sutton Morgan*, his Heirs, &c. may seize any of the Goods, Guns, Tackle, &c. of any such Ship or Vessel, and keep the same till the Duties aforesaid are paid; and in case of any Delay in Payment, for the Space of three Days after such seizing, he may cause the same to be appraised by two sworn Appraisers, and afterwards sell the Goods, and therewith satisfy himself for the Duties, together with the Charge of Seizure, &c. rendering the Overplus to the Owner.

And in Consideration of the frequent and constant Benefit the Packet-Boats sailing between *Holyhead* and *Dublin* receive by this Light-house, the Postmaster General, or the Commissioners for executing that Office, shall pay to the said *Sutton Morgan* the annual Sum of 50*l.* by quarterly Payments, without any Office, Fees, or Deductions. This Statute extendeth not to charge any Ships of War with the Duties before mentioned.

There are large Lanthorns ordered by Statute, with Duties payable for maintaining them, to be erected at the Head of some Keys; such as at the Harbour of *Minhead* in *Somersetshire*, on the River *Severn*, &c. See 10 *Ann. c. 24.*

## C H A P. XIV.

*Of Pilots of Ships, and Loadsmen.*

A Pilot is he that hath the Government of a Ship under the Master, or who is entrusted with the Steerage of the same. It hath been usual for Pilots, not only to direct the Ship's Course, but also to steer her too themselves; as they are still obliged to do amongst us, when the Ship has any dangerous Place to pass through, or is so near the Shore that a more than ordinary Skill is requisite to bring her safe off; but otherwise, such of the other Mariners as are most capable of the Function, are appointed to do it by turns.

By the Sea Laws of *Wisbuy*, every Pilot, Mate or Mariner, that does not understand his Business, shall be obliged to repay to the Master whatever Wages he had advanced him, and besides be bound to pay half as much more as he had promised him. The Laws of *Denmark* punish an ignorant Pilot, by sentencing him to pass thrice under the Ship's Keel: And by the Laws of *Oleron*, if a Pilot undertakes the Conduct of a Vessel to bring her to any Port, and fail of his Duty therein, so as the Ship miscarry by reason of his Ignorance in what he undertook, and the Merchant receives damage thereby; he shall be obliged to make Satisfaction for the same, if he have wherewithal; and if he hath not, or where the Fault of the Pilot is apparently gross, that the Ship's Crew see an apparent Wreck, they may lead him to the Hatches and strike off his Head. *Sea Laws* 176. *Leg. Oleron* 23.

The

The Laws of *France* ordain, that no Person shall be receiv'd as Pilot, nor perform that Function, till he has made several Voyages, and passed a strict Examination as to his Knowledge and Experience in Navigation; and he shall be obliged for proving his Voyages, to produce the Journals thereof. The Pilot shall provide himself with all Maps, Books and Instruments necessary for his Art: And in long Voyages, he shall have two Journals; in one of which he is to write the Changes of the Courses and Winds, the Days and Hours of the Changes, the Leagues which he believes the Ship has sailed in each, also the Reductions in Latitude and Longitude, the Variations of the Compass, together with the Sounds and Shores he has discovered; and in the other, he shall write out once in twenty-four Hours, Courses, Longitude and Latitude reduc'd, and the Latitudes observ'd, and all other remarkable things discover'd during the Voyage: And at the Return of such long Voyages, shall lodge a Copy of his Journal in the Admiralty, on pain of fifty Livres. *Sea Laws* 291, 292.

And by the same Laws, if a Pilot by Ignorance or Negligence occasion the Loss of a Ship; he shall pay one hundred Livres Fine, and be forever deprived of the Exercise of Pilotage; and if he does it designedly, he shall be punished with Death. But no Masters of Ships shall force Pilots to pass thro' dangerous Places, or to steer Courses against their Will; and in case there be Difference in Opinion, they shall be governed by the Advice of the most expert Mariners. When a Ship comes to an Harbour or River, and the Master doth not know the Coast nor the River, he ought to take a Pilot of that Country to carry

her up the River or Harbour; which Pilot shall be maintained by the Master, and paid by the Merchant: Also if it is thought convenient in any River, or off any dangerous Coast, to take aboard a Pilot of the Country; tho' the Merchant opposes it, if the Master, the Ship's Pilot, and the major part of the Seamen are for it, he may be hired; and shall be paid by the Ship and Cargo, as Averages are calculated for Goods thrown over-board. *Leg. Wisb.* 44 & 60. *Ibid.* 185, 188.

The Master of the Ship generally in Charterparties covenants to find a Pilot, and the Merchant agrees to pay him his Pilotage. Tho' if a Ship should be lost coming up the River under the Charge of the Pilot, it has been a Question, whether the Master should answer for the Insufficiency of the Pilot, or whether the Merchant may have his Remedy against both? But it hath been conceived, that the Merchant hath his Election to charge either; and if he charges the Master, then the Master must have his Remedy against the Pilot. After the Ship is brought into sure Harbour, the Pilot is no further liable; for then the Master is to see to her Bed and Lying, and hath all the Charge upon himself, so that he must answer all Danger and Hazard, except that of the Act of God; but before she arrives at her Place or Bed, and while she is under the Pilot's Care, if she or her Goods perish or be spoil'd, the Pilot shall make good the Damage. *Leg. Oleron. Jure Marit.* 254, 255.

By Statute 3 Geo. 1. c. 13. If any Person shall take upon him to conduct and pilot any Ship or Vessel, by or from *Dover*, *Deal*, or the Isle of *Thanet*, to any Place on the River *Thames* or  
*Medway*,

*Medway*, before he has been examined by the Master and Wardens of the Society of *Trinity-House*, and shall be approved and admitted into the said Society at a Court of Load-manage by the Lord Warden of the *Cinque Ports*, or his Deputy, and the said Master and Wardens, every such Person for the first Offence shall forfeit ten Pounds, for the second twenty Pounds, and for every other Offence forty Pounds; to be sued for and recovered by any one in the Court of Admiralty for the *Cinque Ports*, if the offending Pilot live within the Jurisdiction of that Court; or else by Action of Debt, &c. in any of the Courts at *Westminster*, one Moiety to go to the Informer, and the other to the Master and Wardens of the Society aforesaid, to be distributed among superannuated Pilots, and the Widows of Pilots of the said Society.

And the Master and such two Wardens of the said Society, as shall be appointed to examine into the Skill and Ability of any Person on his being admitted as a Pilot, shall take the following Oath, to be given them by the Register of the said Court of Load-manage, or his Deputy, viz.

*I A. B. do swear, That I will impartially examine and inquire into the Capacity and Skill of T. D. of, &c. in the Art of Pilotage over the Flats, and round the Long Sand Head, and the Coasts of Flanders and Holland, and will make true and speedy Return thereof to the Lord Warden of the Cinque Ports for the Time being, or his Deputy, without Favour, Affection, Fee, or Reward.*

So help me God.

The Number of such Pilots shall not be less than one hundred and twenty, whose Names, Ages and Places of Abode shall yearly be affixed in some publick Place at the Custom-houses at *London* and *Dover*, to which all Persons may have Recourse; and not returning Lists, the Master and Wardens of the said Society shall forfeit ten Pounds.

But this Act shall not prevent the Master or Mate of any Ship or Vessel, or any Part-Owner, residing at *Dover* or *Deal*, or the Isle of *Thanet*, from piloting his own Ship from any of the said Places up the said Rivers; nor subject any Persons, tho' not of that Society, to the Penalties before-mentioned, who shall be employed by any Master to pilot his Vessel from the Places aforesaid, when none of the said Society shall within one Hour after the Arrival of such Ship or Vessel at any of the said Places, be ready to pilot the same. And Masters of Merchant Ships may make choice of such Pilot of the said Society, as they shall think fit; also no Person shall continue in this Society who shall not pilot a Ship at least twice in one Year, (unless prevented by Sicknefs) to and from the Places above-mentioned.

And for preventing any exorbitant Demands from these Pilots, for conducting any Ship or Vessel from *Dover*, *Deal*, or the Isle of *Thanet*, to any Places on the River *Thames* and *Medway*, the following and no greater Prices shall be taken or demanded, than are here mentioned, viz. For every Ship or Vessel drawing seven Foot Water 3*l.* 10*s.* for eight Foot Water 4*l.* nine Foot Water 4*l.* 10*s.* ten Foot Water 5*l.* eleven Foot Water 5*l.* 10*s.* twelve Foot Water 6*l.* thirteen

## Of Pilots and Loadsmen. 151

teen Foot Water 6*l.* 10*s.* fourteen Foot Water 7*l.* fifteen Foot Water 7*l.* 10*s.* sixteen Foot Water 8*l.* seventeen Foot Water 8*l.* 10*s.* and no Allowance to be made for odd Inches.

In this Act there is likewise a Clause, empowering the Lord Warden of the *Cinque Ports* to nominate three Persons there to adjust Differences between the Master of any Ship and others, where Ships by bad Weather are forced from their Anchors and Cables, for saving and bringing them ashore: And this Act shall not hinder any Person from assisting a Ship in Distress there.

By the 7 *Geo.* 1. c. 21. The Lord Warden of the *Cinque Ports*, with the Assent of the Commissioners of Load-manage, and of the Masters and Wardens of the Society of Pilots of the *Trinity-House* of the *Cinque Ports*, at a Court of Load-manage held by the said Lord Warden, or his Deputy, may make such Rules and Ordinances for the better Government of the Pilots residing at *Dover*, *Deal*, and the Isle of *Thanet*, as shall be thought convenient; and may order a sufficient Number of the Pilots living at *Dover*, &c. not less than eighteen, to ply constantly at Sea, to be ready to conduct such Ships up the Rivers of *Thames* and *Medway*, as shall have occasion for them: And the said Lord Warden, &c. at a Court of Load-manage, may suspend or deprive any of the said Pilots, for breaking the Rules or Orders; and if any Pilot so suspended or deprived, shall undertake to conduct any Ship by or from *Dover*, *Deal*, &c. to any Place in or upon the said River of *Thames*, &c. he shall be liable to all such Pains and Penalties, as are ordained by the before-mentioned Act of

3 *Geo.* 1. against such Persons as shall conduct Ships from and to the Places aforesaid, without being first examined and approved of by the Master and Wardens of the said Society at the said Court, and admitted into the same.

By the Statute 5 *Geo.* 2. c. 20. No Person shall undertake the Charge of any Ship or Vessel as Pilot thereof down the River *Thames*, or thro' the north Channel to or by *Orfordness*, or round the *Long Sand Head* into the *Downs*, or down the south Channel into the *Downs*; or from or by *Orfordness* up the north Channel, or the River *Thames*, or River *Medway*, but such as shall be licensed to act as a Pilot by the Master, Wardens and Assistants of the *Trinity-House* of *Deptford Strond*, under the common Seal of the Corporation, on pain of forfeiting 20*l.* being convicted before two Justices of Peace for the City of *London*, or the Counties of *Middlesex*, *Essex*, *Kent* or *Surrey*, within their respective Jurisdictions: But Masters of Ships in the Coal Trade, or other coasting Trade, are not obliged to employ a Pilot.

The Pilots to be so admitted and licensed, shall be subject to the Government of the said Corporation; provided their Regulations do not relate to the Pilots keeping of Turns, or to settling the Rates of Pilotage; and shall pay the ancient Dues, so as the same do not exceed 1*s.* in the Pound, out of such Pilot's Hire or Wages, for the Use of the Poor of the said Corporation, within ten Days after the Service of any Pilots shall be ended. And in case such Pilots shall refuse to take the Charge of any of his Majesty's Ships, when appointed thereto by the Corporation; or shall misbehave themselves in the Con-  
duct

duct of any Ships, or other part of their Duty; or if Pilots shall refuse to obey any Summons of the said Corporation, or such Orders as they shall make; then the general Court of the Corporation, upon Examination thereof, are required to recall the Warrants granted to such Pilots; and if after Notice of it, given to them in Person, or left at their Place of Abode, they shall act as Pilots within the Limits aforementioned, they shall be subject to the Penalties inflicted on unlicensed Pilots.

This Statute shall not extend to the impeaching of any of the Franchises, nor to take away the sole Right of piloting Merchant Ships from or by *Dover, Deal*, and the Isle of *Thanet*, up the Rivers *Thames* and *Medway*, granted and allowed to the Society and Fellowship of the Master, Wardens and Pilots of the *Trinity-House* of *Dover, Deal*, and the Isle of *Thanet*, by the Statute 3 *Geo. 1. c. 13.*

And nothing herein shall impeach any Privileges heretofore granted to, or which by ancient Usage have been enjoyed by the Pilots of the *Trinity-House* of *Kingston upon Hull*; or the *Trinity-House* of *Newcastle upon Tyne*.

Nor to prejudice any Jurisdiction of the Mayor, or of the Mayor, Commonalty and Citizens of *London*, upon the River *Thames*; nor any Jurisdiction belonging to the Office of Lord High Admiral.

The Act 8 *Geo. 2. c. 21.* continues the aforementioned Statutes for regulating Pilots till the Year 1749.

And the Act 23 *Geo. 2. c.* continues the said Statutes for regulating Pilots till the Year 1764.

A *Loadfman* is he that undertakes to bring a Ship safe thro' the Haven, after brought thither by the Pilot, to the Key or Place of Discharge; and if thro' his Ignorance, Negligence, or other Fault, he suffers the Ship or Merchandize to perish, an Action lies against him at the Common Law; and by some it is held, that he may be punished in the Admiralty, but not in both.

*Rought. Art. Inq. 27.*

And these Loadsmen ought to be examined of the Knowledge and Experience they have of the Fabrick and working of Ships, and of the Courses of the Tide, of the Sand-banks, Currents, Shelves, Rocks, and other Impediments that may render difficult the Entry of Ports and Harbours in which they are established.

*Load-manage* is the Hire, sometimes so called, which the Pilot of a Ship receives of the Master, for conducting the Ship up the River or into Port.

## C H A P. XV.

*Of Ports and Harbours, Havens and Roads;  
and of Keys and Wharfs, &c.*

A Port, Harbour or Haven, is a Place where Ships arrive with their Freight; or of Refuge against Danger, being for the safe receiving of Ships, and Security of Navigation: And a Road is a little way out from Port near the Sea, for any Ships to ride in. The Ports with us are only those common Places to which the Officers  
of

of the Customs are appropriated; and which contain and include all the Privileges and Guidance of all Members and Creeks thereunto allotted. By Members, are understood those Places where anciently a Custom-house hath been kept, and Officers or their Deputies are attending, they being lawful Places of Exportation or Importation of Goods and Merchandize: And Creeks or Nooks to unlade Wares, are Places in which Officers commonly are or have been placed, by way of Prevention of Frauds in the Customs, (not out of Duty or Right of Attendance) for they are not legally allow'd, without particular Licence or Sufferance from the Port or Member under which they are placed.

According to the Maritime Laws of *France*, all Ports and Harbours shall be maintained in their Depth and Cleanness; and no Persons shall cast any thing into them, that may obstruct the same. There shall always be Seamen aboard the Ships in the Harbour, to facilitate the Passage of Vessels coming in and going out, clear the Cable Ropes, and do all the necessary Work; and the Mariners shall not make fast their Vessels, but to the Rings and Stakes set up for that Use, on pain of being fined. In every Port and Harbour, there shall be Places assign'd for refitting and caulking of Ships, and pitching of the Ropes, &c. And no Persons are to keep any Fire during the Night, in the Ships lying in Docks and Harbours, except in cases of urgent Necessity, by these Laws. *Sea Laws* 336, 338.

The Anchors of Ships lying in any Port or Harbour, are to be at a proper Distance; and if after Request of a Master of one Ship to the Master of another to remove his Anchor farther distant

stant from any Ship near him, he refuses to do it, and any Damage happens thereby, he is to make Satisfaction; also on probable Cause, the other Master may take up the same, and let it down further off: And where a Ship lies at Anchor, without placing a Buoy to it, if Damage is sustain'd thereby, the Party shall not only render Satisfaction to the Party damnified, but be also subject to Punishment in the Admiralty. *Leg. Oleron, c. 15.*

And by the Laws of *France*, Masters of Ships coming into a Road, shall drop their Anchors so far distant from each other, as the Anchors and Cables may not be foul of one another; under pain of being answerable for all Damage, and an arbitrary Fine. When there are several Ships in any Road, that which is outmost towards the Sea, shall be obliged, in the Night, to keep out a Light, for the Direction of other Ships coming from Sea: And when a Vessel in the Road would set sail during the night, the Master shall be obliged the preceding Day, to remove to a Place convenient for going away, without running aboard of others, or doing any Damage to other Ships, on pain of satisfying all Damages, Costs and Charges. *Sea Laws 348.*

There are divers Statutes for improving and preserving the Ports, Havens and Harbours of *England*; as the 23 *H. 8. c. 18.* and 27 *H. 8. c. 23.* For Preservation of the Havens and Ports of *Plymouth, Dartmouth, Tinnmouth, Falmouth, Fowey*, and other Ports in *Devon* and *Cornwall*: And those who labour in Tinworks there, shall prevent the falling of Stones and Gravel into those Havens, upon a certain Forfeiture. And the 34 *Hen. 8. c. 9.* ordains, that none shall cast or unlade out of any Ship or Vessel, in any Haven, Road,

Road, Channel, or River flowing or running to any Port-Town, City, or other Town, any Rubbish, Gravel, Ballast, or other Wreck or Filth; but only upon the Land above the full Sea-Mark, in pain of 5*l*. Penalty.

In the 27th Year of Queen *Eliz.* an Act was made concerning *Orford Haven* in *Suffolk*. And by the 23 *Eliz. c. 6.* there were certain Duties granted of so much *per Ton*, on all Ships and Vessels, for the Repair of *Dover Harbour*; and these Statutes were continued in the Reign of *James 1.* and 13 & 14 *Car. 2.* The like Act for repairing the Haven of *Great Yarmouth*, granting Duties to perform it, &c. 1 *Jac. 2. c. 16.* Continued and explained by 1 *W. & M. c. 11.* and 10 & 11 *W. 3. c. 5.* For the Repairs of the Harbour of *Minehead* in *Somersetshire*, 12 *W. 3. c. 9.* For repairing the Port of *Whitby*, 1 *Ann. c. 19.* and 7 *Geo. 1. c. 16.* The Port and Harbour of *Rye*, 10 *Geo. 1. c. 7.* The Harbour and Pier of *Margat*, 11 *Geo. 1. c. 3.* The Port and Haven of *Sunderland* in the County of *Durham*, 13 *Geo. 1. c. 6.* The Harbour of *Newhaven* in *Suffex*, 4 *Geo. 2. c. 17.* The Harbour of *Ilfordcombe* in the County of *Devon*, 4 *Geo. 2. c. 19.* The Port-Town of *Scarborough*, 5 *Geo. 2. c. 11.* The Harbour of *Arundel*, 6 *Geo. 2. c. 12.* The Port and Harbour of *Newcastle*, 8 *Geo. 2. c. 10.* The Harbours of *Dover* and *Rye* and *Minehead*, 11 *G. 2. c. 7, 8.* The Harbour of *Whitehaven* in *Cumberland*, 13 *G. 2. c. 14.* *Southwold Haven* in *Suffolk*, 20 *G. 2. c. 14.* *Sunderland Haven* in *Durham*, 20 *G. 2. c. 18.* The Haven of *Great Yarmouth*, 20 *G. 2. c. 40.*

# 158 Of Ports and Havens, &c.

The Ports, Members and Creeks of *South Britain* or *England*, as settled by Commissions out of his Majesty's Courts of Exchequer, are branched out in the following Description under the several Heads, *viz.*

Ports.	Members.	Creeks.
London	_____	Gravesend.
	{ Malden	{ Leigh
		{ Burnham
		{ West Mersey
Ipswich	{ Colchester	{ East Mersey
		{ Bricklesey
		{ Wivenhoe
	{ _____	{ Maintree
		{ Harwich.
	{ Woodbridge	
	{ Aleborough	{ Orford
		{ Dunwich
Yarmouth	{ Southwold	{ Walderswick
	{ _____	{ Lestoff.
	{ Blackney and	
	{ Cley	
	{ Wells	{ Burnham
Lynn	{ _____	{ Hitcham
		{ Cross-Keys
		{ Wisbich.
		{ Spalding
		{ Fosdick
Boston	{ _____	{ Wainfleet
		{ Numby Chapel
		{ Thetlethorp
		{ Salfleet.

Hull

Ports.

Members.

Creeks.

Hull	{ Grimsby Bridlington Scarborough	Gainthorp.
	{ Whitby Stockton Hartlepoole	Middleborough
Newcastle	{ Sunderland Shields	
	— — — — —	{ Seaton-delaval Blith Nooke.
		{ Aylemouth Warnewater Holy Island
Berwick	— — — — —	{ East Marches, containing the Coast of <i>Nor-</i> <i>thumberland</i> , bordering on <i>Scotland</i> .
	— — — — —	{ West Marches, containing the Coast of <i>Cum-</i> <i>berland</i> , bor- dering on <i>Scotland</i> .
Carlisle	{	{ Workington
	{ Whitehaven	{ Ravenglass
		{ Milnthorp.
		Chester

<i>Ports.</i>	<i>Members.</i>	<i>Creeks.</i>
	Lancaster	{ Pile of Fowdry Graunge
	Boulton	{ Wyrewater Preston and Rib- blewater
		{ Sankey Bridge Fradisham
	Liverpool	{ South Shore of the River Mer- sey from the red Stones
Chester		{ Hilbree Dawpoole
		{ Neston Burtonhead
		{ Baghill Mostin
	Aberconwey	
	Bewmoris	{ Holyhead Amlogh
	Carnarvon	{ Pulhelly Barmouth.
	Aberdovy	Aberustah
	Cardigan	{ Newport Fiscard
Milford		{ Haverford West Tenby
	Pembroke	{ Carmarthen Lanelthy
		{ North Burrys.

Cardiffe

*Ports.*

*Members.*

*Creeks.*

Cardiffe	{	Swanfev	{	South Burrys
				Neath or Britton
				Ferry
				Newton
				Aberthaw
Gloucester	{	— — —	{	Penarth
				Newport
				Chepstow.
				River Severn,
				from Bridge-
Bristol	{	— — —	{	north to King-
				road.
Bridgewater	{	— — —	{	Pill
				Uphill.
Plymouth	{	Minehead.	{	
		Padstow		
		St. Ives		
		Penfance		
		Helford		
		Falmouth		Penrin
				St. Maures
				Truro
		Fowey		
		Lowe		
	{	— — —	{	Saltafh
				Stonehouse
				Cowfland.

*Ports.**Members.**Creeks.*

Exeter	{	Ilfordcombe	{	Clovelly	
		Barnstable		Appledore	
				Biddeford	
		{		{	Tincomb
					Starcross
					Bear and Seaton
		{	— — —	{	Topsham
					Powderham
					Sydmouth
					Lympson
Exmouth					
Aylmouth					
{	Dartmouth	{	Saltcomb		
			Brixham		
			Torbay		
			Totness.		
Pool	{	Lyme	{	Bridport	
				Charmouth	
	{	Weymouth	{	Portland	
				Lulworth	
	{	— — —	{	Swanidge	
				Wareham.	
	Southampton	{	— — —	{	Christ Church
Limington					
Yarmouth					
Newport					
Emsworth					
	{	Cowes			
	{	Portsmouth			

Chichester

Ports. Members. Creeks.

Chichester	{	Arundel	{	Pagham Point
		Shoreham		Selfey
		Lewis	{	Brighthelmstone
		Pemfey		New Haven
		Hastings	{	Seaford
		Rye		Whinchelsea
		Hythe	{	Lyd
		Dover		Rumney
Sandwich	{		{	Folkston.
				Deal
				Ramsgate
				Margate
		Faversham	{	Whitstable
		Milton		
	{	Rocheſter		Queensborough.

All theſe Ports are within ſome County, and therefore the Court of Admiralty cannot hold Ju-  
riſdiction of any thing done in them. 30 H. 6.

As the *Port of London* is of the greateſt Con-  
cern, particularly relating to the Customs, the  
extent thereof is ſettled by the Exchequer from  
the Promontory or Point called *North-Foreland* in  
the Iſle of *Thanet*, and thence northward in a  
ſuppoſed Line, to the oppoſite Point called the  
*Taſe*, beyond the *Gunfleet* upon the Coaſt of *Eſ-*  
*ſex*, and ſo continued weſtward through the Ri-  
ver of *Thames*, and the ſeveral Channels, Streams,  
and Rivers falling into it, to *London-Bridge*;

saving the usual and known Right, Liberty and Privilege to the Ports of *Sandwich* and *Ipswich*, and either of them, and the Members thereof, respectively belonging, within the Counties of *Kent* or *Essex*.

And in regard that when Ships did come up to the Port of *London*, there used to be very great Frauds, committed by a promiscuous kind of Shipping and Landing of Goods and Merchandizes at several blind or unknown Wharfs and Keys, by reason of which the King was often defeated of his Customs; therefore the Statute 13 & 14 *Car. 2.* ordained, that a Commission should issue out of the *Exchequer* to ascertain all such Keys, Wharfs, or other Places as his Majesty should appoint and allow of, for Prevention thereof.

In Pursuance of which, in *Rotulo Scaccarii Anno 19 Car. 2.* the *Keys, Wharfs* and *Places* hereafter named, are assigned, appointed and allowed, to be lawful Keys and Wharfs for the Shipping or Landing of Goods, viz.

Brewer's Key  
Chester's Key  
Galley Key  
Wool Dock  
Custom-House  
Key.

{ *Custom-House Key*, which  
is much the largest of any,  
hath some Stairs on the west  
Side thereof declared not to  
be a Place for Shipping or  
Landing of Goods, but for  
Boats only.

Porter's

Porter's Key	{	The Stairs of <i>Sab's Dock</i> , and <i>Dice Key</i> , are excluded from being Places of Shipping, or Landing of Goods and Merchandize.
Bear Key		
Sab's Dock		
Wiggon's Key		
Young's Key		
Ralph's Key	{	The Stairs belonging to <i>Somer's Key</i> , and on the east Side of <i>Gaunt's Key</i> , are declared to be no lawful Places for Landing or Shipping of Goods.
Dice Key.		
Smart's Key		
Somer's Key		
Lyon Key		
Buttolph Wharf	{	One Place betwixt this Key and Wharf, is also declared unlawful for Shipping Goods.
Hammond's Key		
Gaunt's Key.		
Cock's Key		
Fresh Wharf.		
Billingsgate	{	To be a common open Place for the landing or bringing in of <i>Fish</i> , <i>Salt</i> , <i>Viſtuals</i> , or <i>Fuel</i> of all Sorts; and all native <i>Materials for Building</i> , and for <i>Fruit</i> , (Grocery excepted) and for carrying out the same.
Bridge-House in Southwark	{	Is allowed a Place convenient for landing of any kind of <i>Corn</i> , bought or provided for victualling the City of <i>London</i> , and not upon any private Account, or for any other Wares or Merchandize.

It is declared lawful for any Person to ship or lade into any Ship or Vessel on the River *Thames* bound over Seas, and lying between *London* and *Woolwich*, any Horses, Coals, Beer, ordinary Stones for Building, Fish taken by his Majesty's Subjects, Corn or Grain, the Owners of such Goods first paying the Duties thereon charged, and having Warrants duly passed for the same, &c. Also any Persons may unship and lay on Land, Deal-boards, Balks, and all sorts of Masts, and great Timber, at any Place between *Limehouse Dock* and *Westminster*; provided the Owners thereof first pay or compound for the Customs and other Duties, and declare the Place at which they will land them before they unship any of the Goods, and unlade them in the Presence of an Officer of the Customs, having a Licence so to do; otherwise the said Goods to be forfeited.

If at any time it shall seem reasonable to the principal Officers of the Customs, and consistent with his Majesty's Service, to give Permission for the Shipping, Lading or Landing of any Goods or Merchandize, at any other Places, than is before mentioned and assigned to be lawful Keys and Wharfs; it shall be lawful for them to do it, and such Permission shall be good and warrantable, without any Forfeiture or Advantage to be taken against the Goods so landed.

The several *Keys and Wharfs* described and allowed to be free Places for Shipping and Landing of Goods and Merchandizes as aforesaid, according to the Act of Parliament, are and ought to be left open at the Distance of forty Feet from the Water-side; and shall not be separated or divided one from another by any House, Wall, Pales, Rails, or other Impediment whatsoever, but only  
by

by Stones or Marks in the Pavement, for the Distinction of Property, and not otherwise: And all the Passages, Lanes or Cartways leading to the said Keys or Wharfs, from *Thames-street*, shall be of the Breadth of eleven Feet at least; and if of larger Breadth or Dimension heretofore, so they shall continue.

Where *Cranes* are set up on the said Wharfs by the Owners or Possessors of the Ground, they shall not exceed the following Dimensions; a single Crane with one Wheel, to be twelve Feet in Breadth, and a double Crane with two Wheels twenty Feet, and each of them in Depth or Length from the Wall or Campshot twenty-one Feet at most: And the said Cranes, as well single as double, shall be kept open and free for common Passage, from the Ground to the Floor under the Wheels, without any other Inclosure, Partition, Separation or Hindrance by Posts or Spurns, than the necessary Posts and Timber which support the same at both Ends; and the open Height of the said Cranes is to be at least ten Feet and a half from the Ground to the said Floors under the Wheels, that Carts and Carriages may freely pass under them.

And it shall not be lawful for any Person to build any Jets, Penthouses, Warehouses, Rooms, Lodgings, or any manner of Posts, Sheds or Buildings, contiguous to the said Cranes, or on any part of the open Wharf of forty Feet in Breadth, more than what is convenient about the Cranes for the Wheels to work upon, and sufficient covering thereunto, not exceeding the Height, Breadth and Length aforesaid: And as a further Ornament, these Cranes are to be laid in Oil and colour'd Blue; and in the Front thereof

towards the *Thames* shall be placed the King's Arms, painted and set in a Frame, with a decent Moulding about it, of four Feet and a half Diameter.

If any Wharfinger or Owner of any of the Wharfs or Grounds allowed for Shipping or Landing of Goods, do not conform to the Rules and Methods hereby prescribed and directed for their Wharfs, Cranes or Buildings, or shall discontinue or alter the same, or make Incroachments thereupon; after publick Notice given by any three or more of the principal Officers of his Majesty's Customs, by fixing up a Writing under their Hands, upon the Wharf where the Fault shall be committed, declaring the Offence, and limiting a Day and Time for the Amendment thereof; in such case if it be not amended or performed accordingly, then such Wharf or Crane shall from thenceforward be no more reputed or taken, or have the Benefit or Privilege as a lawful Place of Shipping or Landing of Goods or Merchandize; but be utterly debarred thereof, unless restored by his Majesty's special Warrant; and nevertheless the said Buildings and Incroachments to be demolished and removed.

The Wharfingers or Possessors of any of the Keys or Wharfs, or their Servants, shall not suffer to stand or remain upon their Wharfs or Passages leading to them, any more Cars or Carts than such as shall be immediately called to lade or take up Goods, Wares or Merchandize there. And no further or other Passage may be made or enlarged to the Wharfs, or any part of the River *Thames*, within the Limits aforesaid, other than the ancient and common Passages to the same.

*Wharfingers* commonly keep Boats or Lighters of their own, for the carrying out and bringing in of Goods; in which, if a Loss or Detriment happens, they may be made liable: And they have several Managers over them; also a Committee to redress Grievances relating to Merchants, &c. The *Wharfage* Money paid for Landing of Wines at a Wharf, and for Shipping or taking in Goods into a Boat or Barge, are in general computed at the Rate of 12*d.* per Ton, except for Sugars, &c. from the *West Indies*, which pay 2*s.* the Ton, four Hogsheads being reckoned a Ton. *Cranage* is included in the 12*d.* per Ton *Wharfage*; and the *Lighterage* is half as much as the *Wharfage*.

*Wharfage* of all Goods not exceeding 5*s.* is to be paid down on the Wharf, at the taking up of the Goods; and if not, the Wharfinger may detain the Goods till Payment. But Wharfingers or Keepers of Keys, &c. are not to suffer uncustomed or prohibited Goods to be Waterborn or taken on Land, without an Officer of the Customs being present, under the Penalty of 100*l.* Stat. 14 Car. 2.

There is a Duty of *Package* set and rated in a Table, taken of several Goods and Merchandizes: And all Goods not mentioned in the Table are to pay for Package, after the Rate of one Penny in the Pound, according as they are express'd or valu'd in his Majesty's Books of Rates; and all others, not therein mentioned, shall pay at the same Rate, according to their true Value. For every Entry made in the Packer's Books for Bills outward, is paid one Shilling.

And *Porterage* is to be paid to those who attend the Water-side, and belong to the Package-Office:

Office: These Porters have likewise Tables ascertaining their Dues for Landing of Strangers Goods, and Shipping out their Goods; and Goods and Merchandize not expressed in the Table, are to pay Porterage Duties in like manner as for other Goods of like Bulk therein particularly specified. Of *Porters* there are four Sorts for the Service of Merchants, &c. The Company's Porters, that land and ship off all Goods exported or imported to or from the *Baltick Sea, Holland, France, Spain, Italy, Germany, Turkey, &c.* The Ticket-Porters, who are all Freemen, and it is their Business to land and ship off Goods exported or imported from all parts of *America, &c.* The Tackle-Porters are such of the Ticket-Porters as are furnished with Weights, Scales, &c. and their Business is to weigh Goods. The Fellowship-Porters land or ship off Goods or Merchandize, that are measurable by dry Measure, such as Corn, Salt, &c.

Besides the Rates of Porters those of *Carmen* are ascertain'd, for the carrying of Goods to and from the Water-side; and if they take more than those Rates, they may be committed to Prison by the Lord Mayor of *London, &c.* And *Carmen* standing empty, refusing to load Goods on Demand of the Merchant, shall be liable to a Penalty of 5*s.* They are not to carry above twenty hundred Weight at one time, under the like Penalty; and must be licensed, &c. Also Carts are to have Wheels six Inches in the Felly, without Iron; to be drawn by two Horses, after they are up the Hills near the Water; and Men not to ride in them, without having one on Foot to guide them, on certain Penalties, by Statute.

An ancient Duty called *Water-Bailage*, is received by the City of *London* for all Goods and Merchandizes

Merchandizes imported, as well from any Port within the Realm, as from any other Ports out of the Realm to the same; and also a Duty for all Goods as shall be exported from the Port of *London* to any other Port within the Realm, and likewise abroad.

*Scavage* is a kind of Toll or Custom, exacted by Mayors, Sheriffs, &c. of Merchant-Strangers, for Wares brought hither exposed to Sale within their Liberties; prohibited by the Statute 19 *H. 7. c. 8.* But the City of *London* still retains this ancient Custom: And the Lord Chancellor, Treasurer, President of the Council, Privy Seal, Steward, and two Justices of the King's Bench and Common Pleas, ascertain these Duties, and order Tables to be made mentioning the Particulars.

In the Sea and great Rivers, *Passage* ought to be allow'd to those that have need thereof for just Causes; but nevertheless a Duty or Tribute may be imposed, for whatsoever Burthens have Relation to Merchandize: And the Passengers are subject to such Restrictions, - Laws and Ordinances of Places, as shall be made concerning the same.

A Duty term'd *Primage* is paid to the Master and Mariners of Ships; to the Master for the Use of his Cables and Ropes, to discharge the Goods of the Merchant, and to the Mariners for loading and unloading of the Ship or Vessel in any Port or Haven; it is usually about 1 *s.* per Ton, or 6 *d.* per Pack or Bale, according to Custom.

*Petty Average* is a small Duty which Merchants pay to the Masters, when they only take Tonnage, over and above the Freight; which is paid as a  
Recom-

Recompence or Gratuity for the Master's Care over the Lading; and in the Bills of Lading, there is mention, after Freight, together with *Primage* and *Average* accustom'd: But some conceive, that the *Average* mentioned in the Bills, is that which is appointed as a Contribution for Losses.

*Exportation and Importation. See Customs.*

---

## C H A P. XVI.

*Of Customs and Subsidies, &c. and Custom-Officers, by ancient Statutes.*

**C**USTOMS are the common Tribute or Toll that Merchants pay to the King, for carrying out and bringing in of Merchandize.

By the Word *Customs* were originally understood the Duties payable for native Commodities exported; but it is now used to signify the several Duties payable on the Importation of Merchandizes, which were formerly called *Prise* or *Prisage*, as well as those payable on Exportation.

They are Duties certain, payable to the Crown for Goods exported and imported, and are due to the King of common Right; first, because the Subject hath Leave to depart the Kingdom, and to export the Commodities thereof; secondly, for the Interest and Dominion which the King hath in the Sea, and as he is Guardian of and Maintainer of all the Ports, wherein the Commodities

modities are exported or imported; and lastly, for that the King protects Merchants upon the Seas, against Enemies and Pirates. *Dyer* 43.

It is mentioned by Historians, that threescore Years before the Birth of our Saviour, when the *Jews* became tributary to *Rome*, by the Conquests of *Pompey*, Custom-Money or Tribute was exacted by the Senate; so early were Customs introduced. And Customs, Subsidies, Tolls, Imposts and other Duties upon Commodities imported or exported are due to Princes and States by the general Laws of Nations; they have a Right to them by their Prerogatives: And tho' our King cannot impose any Duties on Merchandize without Consent of the Parliament; yet by his Prerogative, he may restrain Merchants from trading, without his Royal Licence.

The Word *Customs* here in *England* comprehends *Magna & Antiqua Custuma*; which by our old Laws is to be paid out of our own native Commodities, as for Wool, Woolfells and Leather; and *Parva Custuma*, which are Customs payable by Merchants, Strangers and Denizens; and these began in the Reign of *Edw. I.* when the Parliament granted him certain Duties for every Last of Hides, and for Scarlet and other Cloths, also on Wax carried out of the Kingdom; and 3*d.* in the Pound for all other Merchandizes imported and exported: And Merchant Strangers are to pay double Custom for Lead, Tin and woollen Cloth, &c. *Chart. Mercat. 31 Ed. 1.*

But that which is granted by Parliament, is properly called a Subsidy; and sometimes granted to the King for Life; and there are several Sorts of these Subsidies, as Tonnage, a Duty out of every

every Ton of Wine imported, which was first granted by Parliament to King *Edward* 3. And Poundage, a Subsidy granted for all Goods exported and imported, except Wines, &c. and is usually the twentieth part of the Value of the Goods, or 12*d.* in the Pound; and this was first given to *Henry* 6. for Life. 1 *Nels. Abr.* 583, 584.

In the Reign of *Edw.* 3. the Great Charter for free Traffick was confirmed: And *Anno* 6 *E.* 3. it was enacted, that no new Customs should be levied, nor ancient increased, but by Authority of Parliament. But it has been resolved, upon a Reference to the Judges, that where a foreign Prince lays a Duty on Merchandizes imported by our Merchants abroad; in such case the King may lay a Duty upon their Goods imported here, to make an Equality for the Benefit of Trade; but then such Duty cannot have any certain Continuance, but is to be augmented, decreased, or quite taken away upon just Occasion, for the Advancement of Trade and the publick Good. These Impositions by the King have been adjudg'd lawful, being for the Profit of the common People, and not to their Charge. 2 *Inst.* 60. 12 *Rep.* 33.

By the Statute 14 *Ed.* 3. *c.* 21. it was enacted, that a Mark should be paid as Custom for a Sack of Wool and of Woolfells, and for Leather the former Custom; and for every Sack of Wool exported, four Nobles worth of Silver Plate was to be imported and brought to the King's Exchange, where the Party should receive his Money for the same. This Statute likewise mentions other Merchandizes that pass the Sea; but it was  
made

made but for a short time, after which no more than the old Customs to be taken.

No Iron made in *Great Britain*, nor Iron brought into *Great Britain*, and there sold, shall be carried forth of the Realm, upon pain of Forfeiture of the Money to the King, by *Stat. 28 Ed. 3. c. 5.* This is repealed as to Iron of *English Ore*, by *5 & 6 W. & M. c. 17.* And *British* Subjects may export unwrought Iron to *Spain.* No Man shall transport Gold or Silver, without the King's Licence, on pain of forfeiting it to the King; and the Searcher suffering the same shall forfeit his Office and all his Goods, and be imprisoned a Year, and any Person proving it shall have half thereof. But no Owner shall lose his Ship, for a small thing put within the Ship not customed, without his Knowledge. *Stat. 38 Ed. 3. c. 8. 5 Rich. 2. c. 2. 2 Hen. 4. c. 5.*

In a Statute made in the 28th Year of the Reign of King *Edw. 3.* it is ordain'd, that no manner of Ship which is freighted towards *England* or elsewhere, shall be compelled to come into any Port of *England*, nor there to tarry against the Agreement of the Masters and Mariners, or of the Merchants to whom the Goods belong; and if such Ships come of their own good Will, or be driven by Tempest, Casualty or Misfortune to any Port in *England*, and the Masters or Mariners, or Merchants of the same Ships, will sell or deliver part of their Merchandizes with their good Will, it shall be lawful for every Person to buy such Merchandizes freely without Impeachment, in the Port where such Ship shall come, altho' the Merchandizes be not put to Sale on the Land; and that the Masters, Mariners and Merchants, after they have so sold  
so

so much as pleaseth them of their said Goods, and the Customs thereof paid, may freely depart and go with their Ships, and all the Remainder of their Goods where it shall please them, without paying any Custom for the same: And by this Act the aforesaid Statute shall be kept in all points and duly executed; notwithstanding any Ordinance or Usage to the contrary. *Stat. 20 Rich. 2. c. 4.*

No Customer, or Comptroller, Searcher, &c. shall have his Office for Life or Years, but that the same remain in the King's Hands under the Treasurer for the time being; and the Customers, Comptrollers and Searchers, &c. shall be resident upon their Offices, and be sworn to the same, on pain of Imprisonment, and to pay 100*l.* Fine to the King and Informer: Also every Customer shall be sworn to his Account in the Exchequer. And no Man which holdeth a common Hostery shall be a Customer, Comptroller, Finder or Searcher. *Stat. 1 Hen. 4. c. 13. 4 Hen. 4. c. 20. 11 Hen. 4. c. 2. 17 Rich. 2. c. 5.*

If any Customer, Collector or Comptroller, shall be convicted of false concealing any Customs duly entered and paid by any Merchant, he shall forfeit treble the Value of the Merchandize to the King, and make Fine and Ransom; of which Penalties the Prosecutor shall have a third part. Every Customer and Comptroller shall deliver to the Merchant a Warrant (under the Seal of their Office) of the Merchandize to them shewed, without Fee, in pain of being subject to be sued by the Merchant, and to forfeit for every Default 10*l.* to the King, and 5*l.* to the said Merchant. And no Customer, Comptroller, Searcher, Surveyor, or their Clerks, Deputies,

puties, Ministers, or Servants, shall have any Ships of their own, or freight Ships, use Merchandize, keep a Wharf, Inn or Tavern, or be a Factor, Attorney, or Host to any Merchant, on pain of 40*l.* to be divided between the King and the Prosecutor. *Stat. 3 Hen. 6. c. 3.* 11 *H. 6. c. 15.* and 20 *H. 6. c. 5.*

By the Statute 3 *Ed. 4. c. 4.* No Merchant or other Person shall bring, send or convey, or cause to be brought, sent or conveyed into this Kingdom, to be uttered and sold within the Realm, any of the Goods, Wares or Things hereafter mentioned, upon pain to forfeit the same as often as they may be found in the Hands of any Person to be sold, half to the King and half to the Seizor, *viz.*

Woollen Caps,	Locks of any Kind,
Woollen Cloths,	Hammers,
Laces,	Pinsons,
Corfes,	Fire-tongs,
Ribbands,	Dripping-pans,
Fringes of Silk and	Dice,
Thread,	Tennis-balls,
Laces of Thread,	Points,
Silk twined,	Purses,
Silk in any wise im-	Gloves,
broidered,	Girdles,
Laces of Gold, or Silk,	Harness for Girdles, of
Saddles,	Iron, Latten, Steel,
Stirrups, or any Harness	Tin, or Alkmine,
pertaining to Saddles,	Things wrought of any
Spurs,	tawed Leather,
Bosses for Bridles,	Tawed Furs,
Andirons,	Buskins,
Gridirons,	Shoes,
VOL. I.	N Galloches

Galloches or Corks,	Rings of Copper, or of
Knives,	Latten gilt,
Daggers,	Chafing-Dishes,
Wood-knives,	Hanging Candlesticks,
Bodkins,	Chafing-Balls,
Shears for Taylors,	Sacring Bells,
Scissors,	Rings for Curtains,
Razors,	Ladles,
Chefs-men,	Scummers,
Playing-Cards,	Counterfeit Bafons,
Combs,	Ewers,
Pattens,	Hats,
Pack-Needles,	Brushes,
Painted Ware,	Cards for Wool,
Forcers,	* Blanch Iron Thread,
Caskets,	commonly called
	White Wire.

Provided that this Act shall not extend to any of the said Wares and Things taken upon the Sea without Fraud or Collusion, nor to any wreckt Goods, nor to Wares made and wrought in *Ireland*.

And the 1 *Rich.* 3. c. 12. ordains, that no Merchant Stranger shall bring or import into this Realm to be sold here, any of the following Wares, on pain to forfeit all the said Wares or the Value, in whose Hands they shall be found, viz. any Manner of Girdles, or Harness wrought for Girdles, Points, Leather-Laces, Purfes, Pouches, Pins, Gloves, Knives, Hangers, Taylors Sheers, Scissors; Andirons, Cupboards, Tongs, Fire-Forks, Gridirons, Stock-Locks,

---

\* Alter'd by 2 *W. & M.* c. 4.

Keys, Hinges and Garnets, Spurs, Painted Glasses, Painted Papers, Painted Forcers, Painted Images, Painted Cloths, Beaten Gold, or beaten Silver, wrought in Papers for Painters, Saddles, Saddle-Trees, Horse-Harness, Boots, Bitts, Stirrups, Buckles, Chains, Latten Nails with Iron Shanks, Turnets, Hanging Candlesticks, Holy-Water Stops, Chafing-Dishes, Hanging Lavers, Curtain Rings, Cards for Wool, Roan Cards, (except Clasps for Garments) Shears, Buckles for Shoes, Broches or Spits, Bells, Hawks Bells, Tin and Leaden Spoons, Wire of Latten and Iron, Iron Candlesticks, Grates, Horns for Lanthorns. Or any of the said Wares, made and wrought, pertaining to the Crafts following; *i. e.* Girdlers, Pointmakers, Pinners, Purfers, Glovers, Joyners, Painters, Cardmakers, Wire-mongers, Weavers, Horners, Bottlemakers or Coppersmiths; one half of the Fine and Forfeiture to be to the King, the other to them that will seize or sue for the same, by Action of Debt, Writ or Bill at the Common Law, or by Bill or Plaint according to the Custom of the City or Town where any such Fines or Forfeitures shall happen; wherein the Defendant shall not be allowed to wage his Law, nor have any Essoin or Protection of the King.

Every Merchant that shall bring any Goods into any Port of this Realm, and there enter the same in the Books of the Customers of the said Port where the Goods shall first come to, and the King's Duty thereof contented to the said Customer, or therefore with him agreed, and after that done shall convey or carry the same Goods from thence unto any other Port within the Kingdom; the Owner of the said Goods, his Factor

or Attorney, shall bring from the Customers of the Port where the Goods are so entered, a Certificate under the same Customer's Seal, directed to the Customers of the Port whereto the said Goods shall be conveyed or carried, making mention therein as well of the natural Colour, Length and Value of all the Merchandize entered, used to be measured with the Ell or Yard, as the natural Weight, Content, or Value of all manner of other Merchandizes used to be weighed or valued, which said Certificate is to be delivered to the Customers before the Goods are discharged, so that they may see and examine whether the Nature, Colour, or Length, Value, Content, or Weight thereof do agree with the Certificate, and that the King may not be deceived of his Customs and Subsidies: And if any Certificate be made by any Customers of Ports to which any Goods shall be first brought, and there in their Books entered, without making mention of the Particulars as aforesaid, the said Customer or Customers, for such Misbehaving, shall lose their Office, and make Fine to the King at his Pleasure.

And if any such Goods, or any Parcel thereof, be discharged, unpack'd, or put to Sale in any Port than the same where they shall be first entered before the said Certificate shall be delivered, and the same Goods seen as above expressed, then all the said Goods to be forfeited, half to the King, and the other half to him who shall make Proof thereof; for the Sight of which Goods no Fee shall be taken. And it is ordained, that no Person shall take upon him to be a Customer, Comptroller or Searcher in any Port, in any City, Borough or Town where he is a common  
Officer

Officer or Deputy to any such common Officer, upon pain of forfeiting 40*l.* for every six Months he so executes both the said Offices together, to be divided between the King and the Prosecutor or Informer. *Stat. 3 Hen. 7. c. 7.*

By the 1 *H. 7. c. 2.* which mentions that in times past Grants had been made as well by Letters Patent as by Acts of Parliament, to divers Merchant Strangers, born out of this Realm, to be Denizens, whereby they had and enjoyed such Freedoms and Liberties, as those Persons that were born within the Realm, to the Abatement of the Customs which they should pay if they were not Denizens, and also in buying and selling their Merchandize to their great Profit; and oft-times they suffered other Strangers deceitfully to ship and carry away considerable Substance of Merchandize in their Names, by which means the said Goods were free from Custom, in like manner as if they had been Goods of a Denizen, when of Right they ought to pay the same, as for Strangers Goods, thereby greatly advancing themselves in Riches and Honour; and after they were so enriched, for the most part they removed with their Effects into their own Countries, to the great Impoverishment of this Kingdom, and the Defrauding of the King of his Customs: Therefore it is enacted by this Statute, that any Alien made, or hereafter to be made Denizen, shall pay for his Merchandize such Custom and Subsidy as he ought or should pay before he was made a Denizen; any Letters Patent, or Ordinances by Parliament, or otherwise, to the contrary notwithstanding. And Merchants Strangers, though made Denizens, are to pay the same Customs, as they should have paid if

they had not been made Denizens, by 11 H. 7. c. 14.

No Person shall bring or cause to be brought into this Kingdom of *England* to be sold, any Silk wrought abroad in Ribbands, Laces, Girdles, Corsets, Cauls, Corsets of Tissues, or Points, on pain of Forfeiture of all the said Ribbands, Laces, Girdles, Corsets, &c. and every of them, in whose hands soever they are found, or the Value of the same; the one Moiety of the said Forfeiture to be to the King, and the other Moiety to any of the King's Subjects that will seize the said Things, which it shall be lawful for every of them at all times to do: But any Persons, Strangers or others, may bring in all manner of Silks, wrought or raw and unwrought, to sell here at their Pleasure. *Stat. 19 Hen. 7. c. 21.*

Any *Englishman* and other Subject of the King's, in any Port within *England*, *Ireland* or *Wales*, where it shall happen any Merchandize shall arrive, may custom in his own Name the Goods of another *Englishman* or Subject: And every Merchant Stranger may custom in his Name the Goods of any other Merchant Stranger, so as the Merchant Stranger that customs the said Goods of another, and also the Owner or Proprietor thereof, be charged with like Customs, so that the King be not defrauded of his Right. And if any Stranger or Denizen, or other the King's Subjects, custom any Goods or Merchandize belonging to another, whereby the King loseth his Customs or other Duties, they shall forfeit the Goods to the King, and as much to any Person grieved thereby, as such Goods are worth. None free of Prisage or Butlerage of Wines, shall custom Wine of another not being free thereof, in pain

pain of forfeiting double Value of the Wines customed: And an Action of Debt is given to the Party grieved against him that customs Goods in his own Name, when they are another Man's, to recover the Value of the Goods so customed.

*Stat. 1 Hen. 8. cap. 5.*

And by the Statute 2 & 3 *Ed. 6. c. 22.* If any Persons shall do any thing contrary to the Purport and true Meaning of the said Act of 1 *H. 8. c. 5.* the Parties offending shall forfeit all their Goods and Chattels personal for ever; a Moiety whereof shall go to the King, and the other Moiety to him or them that will sue for the same by Bill, Plaint, Action of Debt or Information, if the Action, &c. be prosecuted within three Years after the Offence; in which no Wager of Law, Essoin or Protection shall be allowed.

All Subjects born in *England*, who are sworn to be subject to any foreign Prince or Lords abroad, shall, as long as they abide and be subject to such foreign Prince or Lords, pay such Strangers Customs as other Persons do where such *Englishmen* reside, and that are Subjects belonging to the said Prince or Lords, as well inwards as outwards; the Knowledge of which said *English* Traders abroad, to be had by Certificate from our Ambassadors, &c. But in case any such Persons shall return into *Great Britain*, and here tarry and inhabit, then they shall be restored to all their Liberties and Freedoms and pay only *British* Customs; for which they shall have a Writ out of the Chancery, to be permitted to have the same.

*Stat. 14 & 15 H. 8. c. 4.*

No Person or Persons within the Realm shall buy or otherwise take by Exchange for other Goods, any manner of Wares made out of this

Realm, of Tin or mixt therewith, as Platters, Dishes, Saucers, Pots, Basons, Ewers, Flagons, Goblets, Saltfellers, Spoons, or any other Thing made of Tin or Pewter, on Forfeiture of the said Wares, or the full Value thereof, half to the King, and half to the Finders. And none shall convey out of the Kingdom, any Brass, Copper, Latten, Bell-metal, Pan-metal, Gun-metal, or Shroff-metal, clean or mixed (Tin and Lead only excepted) on pain of forfeiting double the Value, one Moiety to the King, and the other to the Informer: Also no Persons shall ship or carry any of the said Metals from one Port to another within this Realm, unless before the shipping thereof they do declare to the Customer the true Weight, and become bound to the King's Use in double it's Value, with Condition, that the same shall be discharged at some other Port or Creek within the Realm, on pain of Forfeiture; and in eight Months to produce a Certificate from the Customer of the Port where discharged, testifying the same. And any Customer or his Deputy making a false Certificate, shall forfeit his Office, and the Value of the Goods concealed: But there is a Proviso, if any of the said Metal be lost at Sea, or taken by Enemies, Pirates, &c. on Proof thereof, the Party shipping the same shall have his Bond delivered up, &c. 25 H. 8. c. 9. 33 H. 8. c. 7.

By Statute 2 & 3 Ed. 6. c. 37. a Penalty of 10*l.* for every thousand Weight of Metal transported, is added to the aforesaid Forfeiture; and the like Sum for each thousand Weight carried from one Port to another, is to be added to the Penalty of the Bond for the proper Discharge thereof. If any Customer, Comptroller, or their Deputies shall

shall take any Bond without Date, they shall be liable to forfeit their Offices, &c. And in case any Master of a Ship, Owner, Purser or Boat-swain, shall suffer any of the said Metals to be shipped unlawfully, and not discover the same in three Days to the Customer or Comptroller where shipped, they shall forfeit double the Value; and if any Customer or Searcher do willingly suffer any of the said Metals to be so shipped, contrary to the Act aforesaid, or having Knowledge thereof do not seize the same, he shall lose his Office, and the Value of the Metals. And there is another Clause, that no Persons shall lade any such Metal in any Port or Creek, where the Customer or his Deputy are not resident, on pain of Forfeiture thereof, and 10*l.* for every thousand Weight; a Moiety of all which Forfeitures to be to the Use of his Majesty, the other to the Informer prosecuting in any of the King's Courts.

Upon consideration that white Ashes made within the Realm, and other the King's Territories and Dominions, are very necessary for the making of Soap and Salt-petre, and for whitening of Linen Cloth, dying and scouring of Woollen, &c. therefore it is enacted, that no Persons shall ship, carry or convey any white Ashes to Parts beyond Sea, on pain of forfeiting 6*s.* 8*d.* for every Bushel of such Ashes so shipped or laded, to be carried or conveyed into the Ports beyond the Seas; half to the King, and half to him or them who will sue for the same, by Action, Bill, Plaint or Information, &c. *Stat. 2 Edw. 6. c. 26.*

For the avoiding of Corruption that may happen to be in Officers, in those Places wherein are requisite true Services of Trust, and to the In-

tent that Persons worthy and meet to be advanced to any Place or Service of Trust, &c. should be preferred to the same, and none other: It is ordained by Statute, that none shall bargain or sell any Office or Deputation, or any part thereof, nor receive or take any Money, Fee or Reward, or other Profit directly or indirectly for any Office in the King's Customs, or Administration or Attendance in any Custom-House, &c. on pain that the Person who shall bargain or sell such Office, &c. shall forfeit all his Right to the same, or in the Gift or Disposition thereof; and the Person who shall give or pay any Money, or make any Promise, Bond or Agreement, for such Office, &c. shall be adjudged a disabled Person in Law to have, occupy or enjoy the said Office; and all such Bargains, Sales, Bonds, Promises, Agreements, &c. shall be void. *Stat. 5 & 6 Ed. 6. c. 16.*

By a Clause in the Statute 7 *Ed. 6. c. 1. sect. 13.* It is enacted, that all Receivers of the King's Revenues, Customers and Collectors of Customs, within any Port, Haven or Creek of this Kingdom, shall by themselves or their Deputies for whom they will answer, within ten Days next after Notice to them given by the King, or six of his Privy Council, in Writing signed with their Hands, declare what Money then due to the King is in their Hands or Custody, and make ready and full Payment of all the said Money above the ordinary Payments and Sums expressed in sufficient Warrants, remaining in their Offices, to the Use of the Lord the King, at such time as they shall be commanded and appointed; on pain of Forfeiture of Office, &c.

The Statute 1 *Eliz. c. 11.* ordains, that it shall not be lawful for any Persons to lade or put into any Ship, Vessel, Crayer, Lighter or Bottom, any Goods or Merchandize, (Fish taken by *English* Subjects only excepted) to be transported to any Places beyond the Seas; or to take up, discharge and lay on land, out of any Lighter, Ship, Vessel or Bottom, being not in a Leak or Wreck, any Goods, Wares or Merchandizes (except Fish taken as aforesaid, and Salt) to be brought from any of the parts beyond the Seas, by way of Merchandize, but only in the Day Light; that is to say, from the first of *March* until the last of *September*, betwixt Sun-rising and Sun-setting, and from the last of *September* to the first of *March*, between the Hours of seven in the Morning and four in the Afternoon; and in and upon some such open Places, Keys or Wharfs, as the Queen, her Heirs or Successors shall assign and appoint, within the Ports of *London*, *Southampton*, *Bristol*, *Westchester*, *Newcastle*, and the Suburbs of the same, and every of them, and so of all other Ports, Havens or Roads, (excepting *Hull*) where a Customer, Comptroller, and Searcher, or their Servants, shall be resident; upon pain of Forfeiture of all Goods, laden or discharged contrary to the true Meaning of this Act, or the Value thereof.

No Person shall receive or take into any Ship, Crayer or other Vessel to be transported, nor shall discharge or lay on land, out of any Ship or Vessel, any Goods, being brought from any Place beyond Sea, by way of Merchandize, in any other Places, or at any other Hours or Times than is before appointed; on pain that the Owner and Owners, Master and Masters, or other Persons

sons who shall take the Charge or Guiding of any such Ship or Vessel, or of the Goods during the Voyage, shall forfeit for every Offence 100*l*. and no Master, Purser, or other Person taking Charge of the Voyage, or of the Merchant's Goods, shall receive into any Ship or Vessel any Goods, Wares or Merchandize, to be carried or transported into any parts beyond the Seas, before he shall have signified to the Customer of the Port where he ladeth, and other Officers there in the open Custom-House, if any such there be, or else where the Officers are, that he intendeth to lade, and pass to such a Place; nor shall after his or their full Lading depart out of the Port or Place where he shall so lade, before he do in like manner signify unto the Customer, and other Officers as aforesaid, of his Lading, and what Merchant and other Persons shall have laden with him or in his Ship or Vessel, and further truly do answer to such Questions as shall be ministered to him or them by the Customer or other Officer concerning such Goods and Merchandizes as he shall have laden, being examined upon Oath or otherwise, in the open Custom-House or elsewhere as aforesaid, on pain of forfeiting. 100*l*. for every Default.

Also no Owner, Master, Purser or other Person, taking Charge of any Ship, Vessel or Bottom, where any Goods or Merchandize shall be laden and brought from any parts beyond the Sea, shall discharge into any Lighter and lay on land, or cause, procure or willingly suffer to be so discharged, out of such Ship, Vessel or Bottom, any of the Goods or Merchandizes whatsoever, before such Owner, Master, Purser or other Persons taking Charge of the Ship or Vessel,

el, or the Merchants Goods for that Voyage, shall have signified and declared to the Customer or other Officer of the Port, Haven or Creek where he arriveth, the Names of every the Merchants or Laders, and shall have truly answered to such Questions and Interrogatories concerning the said Goods and Merchandize then laden in the said Ship or Vessel, as shall be to him ministred by such Customer or other Officer openly in the Custom-House, or in such other Place as aforesaid, upon his or their Oath, if need require, upon pain that every Master, Purser or other Persons taking Charge of such Ship or Vessel for that Voyage, shall forfeit and lose for every Default in not advertizing or answering as aforesaid, 100*l*.

No Person, Denizen or Stranger, shall take upon him to enter, or cause to be entred in the Books of any Customer, or other Officer of any Port or Haven within this Realm, or his or their Deputy or Deputies, Servant or Servants, any manner of Goods, Wares or Merchandizes whatsoever, coming or brought into this Realm, from any parts beyond the Seas, or going to be transported out of the same into foreign Parts, in the Name or Names of any other Person or Persons, than the very Owner or Owners of the same Goods or Merchandizes, being not sold, bargained or contracted for, to or with any Person or Persons before such Entry, or before the Arrival of such Goods, Wares or Merchandize in the Parts beyond the Sea, upon pain of Forfeiture of the Value of the Goods so entered.

And if any Wharfinger, Crane-keeper, Searcher, Lighterman, Waiter, or other Officer belonging to the Subsidy, Customs or Custom-House  
do,

do, at any time hereafter, consent to or know any Offence or Thing to be committed or done contrary to the true Meaning hereof, and do not, within one Month next after such Knowledge had, disclose the same to the chief Customer, or other Officer of the Port where or in whose Office or Charge any such Offence shall be committed, or else to the Lord Treasurer, Chancellor, Under-Treasurer, or one of the Barons of the Exchequer, or the Attorney General for the time being, he shall forfeit and lose 100*l.* for every such Concealment, or not disclosing such Offence as aforesaid.

The Customer of *Hull* shall have a Deputy or Servant continually residing at the City of *York*; and every other Customer, Comptroller and Searcher of every Port, shall appoint in every of the Places above mentioned, and in all and every Port, Creek or Road where a Servant or any of them have been continually residing by the Space of ten Years, or hereafter shall be so, one able and sufficient Deputy or Servant at the least; and all and every of the Customers, Comptrollers and Searchers, and their Deputies and Servants, shall from time to time make diligent Attendance, at the Hours, Times and Places before appointed by this Act, as well in the Custom-House as elsewhere, as it shall be most convenient for the speedy Dispatch of the Merchant, and his Goods and Merchandize, and for the due Execution hereof, in such things as to him or them shall appertain, without concealing or consenting to any thing or things, which may be to the Damage of the Crown, on pain that every such Customer, Comptroller and Searcher, shall forfeit for every Offence by him or them committed,

ted, his or their several Office or Offices, and 100*l.* one Moiety of all which Forfeitures shall be to the Crown, and the other Moiety to them that will sue for the same.

But nothing herein contained shall be prejudicial to the Isle of *Anglesey*, or the Shires of *Caernarvon* and *Flint* in North *Wales*; but the Inhabitants thereof, and every of them, may receive, lade and discharge, according to their ancient Usages, Customs or Liberties, granted to them or any of their Predecessors, by King *Henry* the Eighth, or any of his Progenitors, so that they and every of them pay the Customs and Subsidies which shall be due, and discharge and load within the Times and Hours before mentioned in this Act. 1 *Eliz.*

No Persons shall bring or cause to be brought into this Kingdom, any Girdles, Harness for Girdles, Rapiers, Daggers, Knives, Hilts, Pummels, Lockets, Chapes, Dagger-Blades, Handles, Scabbards, and Sheaths for Knives, Saddles, Horse-Harness, Stirrups, Bits, Gloves, Points, Leather Laces, or Pins ready made or wrought in any parts beyond the Seas, to be sold, bartered or exchanged here, on Forfeiture, or the Value thereof, half to the King, and half to the Informer. And Rams, Lambs or Sheep alive, are prohibited to be carried out of the Realm, or any of the Queen's Dominions, upon pain that every Offender shall for the first Offence lose all his Goods, a Moiety to the Queen, and a Moiety to the Informer, and also suffer one Year's Imprisonment, and at the Year's end have his left Hand cut off, and afterwards offending shall be adjudged a Felon, &c. Stat. 5 *Eliz. c. 7.* 8 *Eliz. c. 3.*

And

And if any Person shall bring into this Realm any things called by the Name of *Agnus Dei*, or any Crosses, Pictures, Beads, or such superstitious Things from the Bishop of *Rome*, or pretending the same to be hallowed by him, or any Person by him authorized; and if the Person so bringing in such *Agnus Dei* and other like things, shall deliver or cause them to be delivered to any Subject of this Kingdom; then such Person and Persons so doing; and all other Persons who shall receive and take the same, to the Intent to use or wear them, shall incur the Pains, Penalties and Forfeitures ordained by the Statute of *Præmunire*, viz. they shall be out of the King's Protection, forfeit their Lands and Goods, and be imprisoned and ransomed at the King's Pleasure, &c. Stat. 13 Eliz. c. 2. sect. 7.

By the Statute 13 Eliz. c. 4. sect. 2, 10 & 14. concerning Receivers, Accomptants, Collectors and Farmers of Customs, &c. and which makes them liable to the Payment of all Arrearages or Debts adjudged or determined upon them, in like and as large manner to all Intents, as if they had, the Day they first became Officers, stood bound by Statute Staple, to her Majesty, her Heirs or Successors, for the answering of the same; it is enacted and ordained, that if any Treasurer, Collector, Customer, Collector of Customs or Subsidies, &c. which shall receive or be chargeable with Money or Treasure, and shall upon the determining of his or their Accompt, (all due Petitions to them upon the same Accompts being allowed) be found in Arrears, to owe to the Queen, her Heirs or Successors, any Sum or Sums of Money, and shall not within the Space of six Months next after such Accompt finished,

finished, truly satisfy and pay all such Arrears and Sums of Money due, upon Determination of his or their said Account, or their Debt known; then it shall be lawful for the Queen, her Heirs and Successors, at any time after the said six Months ended, to make Sale by Letters Patent under the Great Seal of *Great Britain*, of so much of the Lands, Tenements and Hereditaments of every such Accomptant or Debtor, so being found in Arrears or in Debt, as may suffice for the Satisfaction of his or their Debt or Arrears, &c. and until her Majesty, her Heirs or Successors, be by such Sale fully satisfied and paid off such Arrears and Debt found upon Accompt as aforesaid.

But it is provided, that this Act shall not extend to charge any Treasurer, Receiver, Customer, &c. having any yearly Receipt, nor any their Lands, Tenements or Hereditaments, whose yearly Collection and Charge, or whole Receipt from the Beginning, is not or hath not been above the Sum of 300*l.* otherwise or in any other manner and form than he or they might lawfully have been charged before the making of this Statute: And the Act, as touching only the Sale of any Lands or Tenements, extendeth not to Lands which any Persons may have purchased or obtained *bona fide*, not being privy or consenting to any Intent to defraud the Crown, &c.

It is declared unlawful for any Person or Persons, to lade, ship or carry in any Ship or Vessel, any Leather, Tallow or raw Hides, with Intent to transport or carry the same into any Places beyond the Seas, other than *Scottish* Hides, according to the Proviso in the Act 5 *Eliz.* upon pain of the Forfeitures following, that is to say;

of forfeiting the said Leather, Tallow or raw Hides, so laden or transported, and treble the Value by the Owners; and also the Owner of the Ship or Vessel knowing thereof, to forfeit his Ship; and the Master and Mariners, knowing of such Offence, to forfeit their Goods and Chattels, and suffer one Year's Imprisonment; one Moiety of which Forfeitures to be to the Queen, and the other Moiety to him or them that will sue for the same, by Action of Debt or Information, &c. And it is further enacted, that every Person or Persons whatsoever, who shall ship or carry any Leather, Tallow or raw Hides, otherwise than by Force of the said Proviso made in the said fifth Year, into Parts beyond the Seas, shall pay a Custom or Subsidy of ten Shillings, for every Hide; for every Dozen of Calves Skins, three Shillings and four Pence; and for every hundred Weight of Tallow, six Shillings and eight Pence. *Stat. 18 Eliz. c. 9. sect. 2, 4.*

There having been great Frauds and Deceits practised by Merchants, Strangers and others in foreign Parts, in the false packing of all foreign Hops brought into this Kingdom, by way of Merchandize here to be sold with Leaves, Stalks, Powder, Sand, Straw, Dross and other Soil in very many Sacks of Hops, for Increase of the Weight thereof, selling the same together for the full Price; whereby the Subjects of this Realm have been abused and deceived to the Value of twenty thousand Pounds yearly at the least; therefore it is ordained, that no Persons whatsoever shall bring in or cause to be brought into the Realm, any Hops being deceitfully or corruptly unclean, corrupt or mix'd with any Powder, Dust, Dross, Sand or Soil, on pain of forfeiting

the same; and Persons that shall use such unclean and corrupt Hops in the brewing of Ale or Beer to be sold, shall forfeit the Value, &c. *Stat. 1*

*Jac. 1. c. 18. 3 Car. 1. c. 4.*

No Person shall bring from beyond Sea, nor shall print, sell or buy any popish Primers, Ladies Psalters, Manuals, Rosaries, popish Catechisms, Missals, Breviaries, Portals, Legends and Lives of Saints, &c. containing matters of Superstition, printed or written in any Language, nor any other superstitious Books printed in the *British* Tongue, upon Forfeiture of 40*s.* for every such Book, one third part thereof to the King, one other third to him who will sue for the same, and the other third part to the Poor of the Parish, where such Book or Books shall be found, to be recovered by Action of Debt, &c. in any Court of Record, and the said Books to be burned. *Stat.*

*3 Jac. 1. c. 5. sect. 25.* Customers and Comptrollers of Ports have Power to take Bond, and give Oaths to all Persons going over Sea to serve other Princes, not to enter into Plots and Conspiracies against the King and Realm, &c. and they are to register and certify such Bonds and Oaths in the Exchequer yearly, under certain Penalties, by *Stat. 3 Jac. 1. c. 4. sect. 19, 20, 21.*

By an ancient Statute, no Stranger, or Alien, by himself or any other, shall buy any *English* Horns unwrought, of any Tanners, Butchers or other Persons, gathered or growing within the City of *London*, or in twenty-four Miles thereof; and no *Englishman* or other Person, may sell any such Horns to any Strangers, or cause them to be sent over the Sea, upon pain of forfeiting all the Horns so bought, sold or sent abroad: And by this Act it is ordained, that no Persons shall

sell any *English* Horns unwrought to any Stranger, or send any such Horns over Sea, on Forfeiture of double the Value, half to the King, and half to the Informer, recoverable by Action of Debt, Bill, Plaint or Information. *Stat. 7 Jac. 1. c. 14.*

The Statute 21 *Jac. 1. c. 4.* which requires, that Actions and Informations upon Penal Statutes shall be commenced and prosecuted in the Counties where the Offences were committed, before the Justices of Assise, &c. by a Proviso therein extendeth not to any Information, Suit or Action for or concerning the concealing or defrauding the King, his Heirs or Successors, of any Custom, Tonnage, Poundage, Subsidy, Impost or Prifage, or for transporting of Gold, Silver, Ordnance, Powder, Shot, Munition of all sorts, Wool, or Leather, but that any such Offence may be laid or alledged to be in any County, at the Pleasure of the Informer.

By the 16 *Car. 1. c. 21.* it is enacted, that it shall and may be lawful for all Persons, as well Strangers as natural-born Subjects, to import and bring into this Kingdom any Quantities of Gun-powder whatsoever, paying such Customs and Duties for the same as shall be limited and set down by Authority of Parliament; and all the King's Subjects may make and sell any Quantity of Gun-powder, and also bring into this Realm any Quantities of Salt-Petre, Brimstone, or other Materials necessary for the making of Gun-powder: And if any Person or Persons shall put in execution any Letters Patent, Order, Warrant, &c. whereby the Importation of Gun-powder, Salt-Petre, &c. from foreign Parts, or the making of Gun-powder here, shall be prohibited or restrained;

strained; such Persons so offending shall incur a *Præmunire*.

In the Case of a *Quo Warranto* brought against the Mayor, &c. of *Waterford*, for receiving the great and small Customs, and Subsidies and Poundage for Goods imported and exported there, without Warrant, &c. they justified under a Charter 1 *H.* 5. by which that King granted to them for ever the *Custom Cocket*; and it was adjudg'd, that by that Word the ancient Customs of Wool, Woolfells, and Hides were granted, because this Custom was known by that Name in all Ports of *England* and *Ireland*: Then they produced a Grant 3 *H.* 7. whereby that King granted that the Citizens, &c. should be for ever discharged of the new Customs, called Poundage; but by this Grant they had no Authority to receive the Poundage Duty, because it extends only to discharge and not to give it. *Case of Customs*, Davis's Rep.

A Merchant beyond Sea shipped 4500 Quintals of Woad for *England*, and a Tempest arising, the Master of the Ship and Mariners threw great part of it into the Sea to save their Lives; after this the Ship arrived at *Southampton*, and the Master not knowing how much remain'd, but believing there might be 2000 Quintals left, agreed with the Custom-house Officer to pay the Duty for so much, and for what should be more, when weighed at the King's Beam, and thereupon he had Leave to land the Goods, which he did, and a very considerable Quantity more than 2000 Quintals; and that being seized as forfeited, by Virtue of the Statute 1 *Ed.* 6. Upon an Information in the Exchequer, all this Matter appearing, it was held that no part of the Goods were forfeited, for the Agreement with the Officer ex-

tended to the whole. *Mich. 2 Ed. 6. Case of Renerger and Fogassa, Plowd. 1.*

The Quantity of eighty Weights of Bay Salt, was brought by Sea, to a Haven in *England*, and out of the Ship the Merchant sold twenty Weights, and discharged them to another Ship in which they were transported: But the said twenty Weights were never actually put on the Shore; and for the Residue, *viz.* sixty, he agreed for the Customs, and put them upon Land. In the Exchequer, the Question was upon the Words of the Statute of 1 *Eliz. c. 11.* concerning Exportation, *viz.* sent from the Wharf, Key, or other Place on the Land, and concerning Importation, take up, discharge and lay on Land; if in this case the said twenty Weights which always were Water-born, and never touched the Land, ought to pay Custom as well inwards and outwards: And it was resolved, that in both the Cases Custom ought to be paid; for the discharging out of the Ship upon the Sale aforesaid, amounts in Law to a putting them upon the Land, for by our Law this is *infra Corpus comitatus*; and if the Law should not be so taken, the King may be defrauded of all his Customs: And forasmuch as no Custom was paid for them, it was adjudged that the Goods were forfeited, &c. *Hill. 24 Eliz. Case of Custom, 12 Co. Rep. 18. See 20 R. 2. c. 4.*

But in an Information upon a Seizure of Canary Wines, against a Merchant for not paying Custom, it was made a Question, whether Custom was due upon Importation, and in what Proportion it ought to be paid; and adjudged, that it was not due before landing, because Goods may be imported by Strefs of Weather, or for want

want of Water or Victuals, and not by way of Merchandize: 'Tis true the Act of Tonnage and Poundage seems to make it due by Importation; but the first Rule in the *Book of Rates*, which is annexed to that Statute, makes the same due at the landing; and this is agreeable to the Common Law; and that 'tis due for no more than is brought on Shore, and it is different from Prifage, for that is due on breaking Bulk: 'Tis likewise due, according to the true Estimate of the Quantity landed; and not according to the Vessel in which it is contained: In *Holton and Raworth's Case*, *Hardress* 358.

In Action of Trover it was held, that if Goods are landed and pay Custom, and are carried over Land or Sea to another Port, they shall not pay Custom there: And before any Man seizes such Goods, there ought to be great Cause of Suspicion, that the Duty was not paid; for tho' they are condemned in the Exchequer, on an Information, at the Suit of the King, that will not indemnify another for converting them before that time, and probably not at all, because such Informations are and have been frequently contrived by Practice. *Case of Bruen and Roe*, *Sid.* 264.

Vide *Prifage* and *Butlerage*.

See also *Merchants*, and *Navigation* and *Shipping*.

## C H A P. XVII.

*Of Customs, Tonnage and Poundage, &c. by modern Statutes.*

**B**Y the 12 *Car. 2. c. 4.* The Commons assembled in Parliament, reposing Confidence in his Majesty, for the guarding and defending of the Seas, against all Persons intending the Disturbance of their Intercourse of Trade, &c. granted to the King a Subsidy of Tonnage and Poundage, and other Sums of Money payable upon Merchandize exported and imported; that is to say, of every Ton of Wine of the Growth of *France*, or any of the Dominions of the *French* King, that shall come into the Port of *London*, and the Members thereof, by way of Merchandize, by natural-born Subjects, the Sum of 4*l.* 10*s.* and by Strangers and Aliens 6*l.* And of every Ton of the like Wine, which shall be brought into any other Ports of this Kingdom, by natural Subjects, the Sum of 3*l.* and by Aliens 4*l.* 10*s.* And of every Butt or Pipe of *Muscadels*, *Malmfies*, *Cutes*, *Tents*, *Alicants*, *Bastards*, *Sacks*, *Canaries*, *Malaga's*, *Madera's*, and other Wines called Sweet Wines, of the Growth of the *Levant*, *Spain*, *Portugal*, or any of the Islands of them, that shall come or be brought into the Port of *London*, by natural-born Subjects, the Sum of

---

*Note; several of these Poundage Duties are repealed by subsequent Statutes.*

2*l.* 5*s.* and by Strangers and Aliens 3*l.* And of every Butt and Pipe of like Wines, coming or brought into other Ports, by natural Subjects, the Sum of 1*l.* 10*s.* and by Strangers 2*l.* 5*s.* And of every Awm of *Rhenish* Wine, or Wine of the Growth of *Germany*, brought into this Realm, and the Dominions thereof, by natural-born Subjects, 20*s.* and by Aliens 1*l.* 5*s.*

The Subsidy of Poundage is as follows, *viz.* Of all manner of Goods and Merchandize of every Merchant, natural-born Subject, Denizen and Alien, to be carried out of this Realm, or any of the King's Dominions to the same belonging, or to be brought into the same, by way of Merchandize, of the Value of every twenty Shillings, of the said Goods and Merchandize, according to the several Rates and Values, as they are particularly rated in the Book of Rates herein referr'd unto, 12*d.* And of every 20*s.* Value of any of the native Commodities of this Kingdom, or Manufactures wrought of any of them, to be carried out by Aliens, 12*d.* more; excepting Woollen Cloths made in *England*, commonly called Old Draperies, and all manner of Fish taken and brought in by *English* Bottoms, and all fresh Fish and Bestial, that shall come into this Realm, and all other Goods and Merchandizes mentioned in the Book of Rates to be Custom-free.

And for every short Woollen Cloth called Broad Cloth, not exceeding twenty-eight Yards in Length, and sixty-four Pounds in Weight, and of every other short Cloth of old Drapery of less Length and Weight, accounting so many Pieces to a short Cloth as are limited and appointed by the said Book of Rates, to be exported

ported by natural-born Subjects, 3*s.* 4*d.* and by Aliens 6*s.* 8*d.* and so proportionably after that Rate: Which Subsidies and Duties aforesaid, and Rates expressed in the Book of Rates, are granted to his Majesty during \* his Life.

And if any Wines, Goods or other Merchandizes, whereof the Subsidies aforesaid shall be due, shall be shipped or put into any Boat or Vessel, to be carried beyond the Seas, or be brought from parts beyond Sea into any Port, Place or Creek of this Realm, by way of Merchandize, and unshipped to be laid on Land, the Customs and other Duties aforesaid not being paid, or lawfully tendered to the Collector thereof, or his Deputy, with the Consent and Agreement of the Comptroller or Surveyor there, nor agreed for in the Custom-house; then all the same Wines, Goods and Merchandizes whatsoever, shall be forfeited, one half to the King, and the other to him or them that will seize or sue for the same. But all Merchants, as well Denizens as Strangers, coming into this Kingdom, are to be well and honestly entreated, for such Things as Subsidy is granted, without Oppression to them to be done, paying the Subsidies aforesaid.

And if the Goods or Merchandize of any Merchant being a Denizen, shall be taken by Enemies or Pirates at Sea, or perish in any Ship or Ships, whereof the Subsidies and other Duties shall be duly paid or agreed for as aforesaid, and that proved before the Treasurer of *England*, Commissioners of the Treasury, or chief Baron

---

\* Continued for ever by 6 *Geo.* 1. c. 4. but subject to Redemption.

of the *Exchequer*, by the Examination of the same Merchant, or of his Executors and Administrators, or by two credible Witnesses at least sworn, or other reasonable Witness and Proof; in such case the said Merchant or Merchants, his or their Executors, &c. may newly ship in the same Port where the Goods and Merchandizes were customed, so much other Merchandize or Goods, as the Goods lost shall amount to in Custom, without paying any thing for the same; so as the Proof be recorded and allowed in the Exchequer, and certified to the Collectors of the Customs.

Provided, that it shall and may be lawful for all and every *English* Subjects, at their Will and Pleasure, to convey and transport out of this Realm, in Ships and other Vessels of any of the Subjects of this Kingdom, all and every kind of Herrings, and other Sea-fish, to be taken on the Sea by any the Subjects aforesaid, from or out of any Port or Harbour of this Realm, to any Place out of the King's Dominions, without paying any Custom, Subsidy or Poundage Money for such Herrings, or other Fish so carried or transported abroad.

And because no Rates can be imposed upon Merchandize, imported or exported by Subjects or Aliens, but by common Consent in Parliament, the Rates intended by this Act, shall be the Rates mentioned in the *Book of Rates*; that is to say, the Subsidy of Tonnage, and of Poundage, and the Subsidy of Woollen Cloths or old Draperies, as they are rated and agreed on by the Commons House of Parliament, set down and expressed in this Book, to be paid according to the Tenor of the Act of Tonnage and Poundage,

dage, and subscribed with the Hand of the Speaker of the House of Commons; and which said Book of Rates composed by the Commons, and every Article, Clause and Rule therein, shall be as effectual to all Intents, as if the same were included in the Body of this Act. And the Customers, Collectors, and all other Officers in the several Ports, shall take and receive such Fees, and no other, as were taken in the fourth Year of K. *James I.* where the Goods exported or imported amount to 5*l.* Value or more; until such time as the said Fees shall be otherwise settled by Authority of Parliament.

And it is declared lawful for any Person or Persons to transport, ship and carry out of this Kingdom, by way of Merchandize, any of these Commodities, Goods and Merchandizes, *viz.* Iron Armour, Bandoliers, Bridle-bits, Halbert-heads, and Sharps, Holsters, Muskets, Carbines, Fowling-pieces, Pistols, Pike-heads, Sword or Rapier-blades, Saddles, Snaffles, Stirrups, Calveskins dressed or undressed, Geldings, Oxen, Sheep-Skins dressed without the Wool, and all Manufactures of Leather, paying the respective Rates appointed by this Act, and no other: And likewise Gun-powder, when the same doth not exceed the Price of 5*l.* the Barrel; and Wheat, Rye, Pease, Beans, Barley, Malt and Oats, Beef, Pork, Bacon, Butter, Cheese and Candles, when they do not exceed at the time of their lading the Prices following; that is to say, Wheat the Quarter 40*s.* Rye, Beans and Pease the Quarter, 24*s.* Barley and Malt the Quarter, 20*s.* Oats the Quarter, 16*s.* Beef the Barrel, 5*l.* Pork the Barrel, 6*l.* 10*s.* Bacon the Pound, 6*d.* Butter the Barrel, 4*l.* 10*s.* Cheese the Hundred, 1*l.* 10*s.* and

and Candles the dozen Pounds, 5*s.* on paying the \* Rates appointed: But his Majesty at any time when he shall see cause so to do, may by Proclamation prohibit the transporting of Gunpowder, or any sort of Arms or Ammunition into any Parts beyond the Seas.

And over and above the Rates before mentioned, there shall be paid for every Ton of Wine of the Growth of *France, Germany, Portugal or Madera*, brought into the Port of *London* or elsewhere, the Sum of 3*l.* and for every Ton of all other Wines, 4*l.* within nine Months after the importing thereof; for the Payment of which Duties accordingly, the Importer shall give good Security: And if any of the said Wines, for which this additional Duty is paid or secured, be exported within twelve Months after their Importation, the said additional Duty shall be returned, or the Security discharged for so much as shall be so exported. And if at the Importation the Importer shall pay for the same ready Money, he shall be allowed for it after the Rate of 10*l. per Cent.* for a Year.

And it is further ordain'd, that all manner of Wines whatsoever to be imported into the Port of *London*, or elsewhere, shall be freed and discharged of and from the Imposition of Excise: And Prisage of Wines, or Prize-Wines, shall not pay Custom, or be charged with any Payment by this Act.

---

\* Corn, Beef, Pork, Bacon, Butter, Cheese, Candles, &c. to be exported free, by 3 & 4 *W. & M. c.* 8. and 11 & 12 *W. 3. c.* 20.

To the *Book of Rates* referr'd to in the Act of Tonnage and Poundage 12 Car. 2. c. 4. and made in Pursuance thereof, are annexed certain *Rules, Orders, Directions* and *Allowances* for the Advancement of Trade, and Encouragement of Merchants, &c. extending to ancient Customs, as well as the Subsidies and Duties granted by that Statute, in divers Articles following.

I. Every Merchant shall have free Liberty to break Bulk in any Port allowed by Law, and to pay Custom for no more Goods than he shall enter and land; provided the Master or Purser of every such Ship, shall first make Declaration upon Oath, before two principal Officers of the Port, of the true Content of his Ship's Lading, and shall likewise after declare on his Oath, before the Customer, Collector, Comptroller, or Surveyor, or two of them, at the next Port of this Kingdom, where his Ship shall arrive, the Quantity and Quality of the Goods landed at the other Port, where Bulk was first broken, and to whom they did belong.

II. All foreign Goods and Merchandize (except Wines, Currans, and wrought Silks) first imported, shall be again exported by *British* Merchants within \* twelve Months, or Strangers in nine Months: And such Merchant or Merchants as shall export any such foreign Goods, (except as before excepted) shall have Allowance, and be repaid by the Officer that received the same, one Moiety of the Subsidy which was paid at the first Importation of such Goods and Merchandizes, or any part thereof; so as due Proof be made by

---

\* Extended to three Years, by Stat. 7 Geo. 1. c. 21.

Certificate from the Officers, of the due Entry and Payment of the Custom and Subsidy of all such foreign Goods and Merchandizes inwards, together with the Oath of the Merchants importing and exporting the same, affirming the Truth thereof, and the Name of his Majesty's Searcher or Under-Searcher in the Port of *London*, and of the Searcher of any other the Out-Ports, testifying the Shipping thereof to be exported. After all which duly performed in manner before expressed, the Moiety of the Subsidy first paid inwards, shall without any Delay or Reward, be repaid to such Merchant or Merchants, who do export such Goods and Merchandizes, within one Month after Demand thereof: As also the whole additional Duty of Silks, Linen and Tobacco, in manner as before is directed.

III. And if there be any Agreement made by any Commissioners or Farmers of the Customs and Subsidies, or any other Power (except by Consent of Parliament) with any Merchants Strangers, or their Factors, for any foreign Goods or Merchandize to be brought into the Port of *London*, or any other Port or Haven of this Kingdom of *Great Britain*, and to be exported again by way of Composition; all other Merchants being his Majesty's Subjects, shall be admitted into the same Composition, and not be excluded from any other Privilege whatsoever, granted to the Stranger by any private Agreement or Composition, under the same Conditions, and with the same Restriction as shall be made with the Merchant Stranger.

IV. Every Merchant, as well *British* as Stranger, that shall ship and export any kind of Wines, which formerly have paid all the Duties of Tonnage

nage inwards, shall have repaid, or allowed unto them all the Duties of Tonnage paid inwards; except to the *British* Man twenty Shillings the Ton, and except to the Stranger five and twenty Shillings the Ton, upon due Proof of the due Entry and Payment of the Tonnage inwards, and of the Shipping thereof to be exported, to be made in manner as in the second Article is mentioned and expressed.

V. If any Merchant, Denizen or Stranger, shall export any *Spanish* or foreign Wools, he shall have Liberty so to do, with this further Condition, that such *Spanish* or other foreign Wools whatsoever be not exported in any other Ship or Vessel, with Intent to be carried beyond the Seas out of the Kingdom of *Great Britain*, than only in *British* Shipping, upon pain of Confiscation.

VI. Every Merchant, as well *British* as Stranger, which shall ship and export any Currans, that formerly were duly enter'd, and paid the Subsidy and Custom inwards, shall have allow'd or repaid unto them respectively, all the Custom and Subsidy paid inwards for the same; (except eighteen Pence for every hundred Weight to the *British* Man, and two and twenty Pence Half-penny for every hundred Weight to the Stranger) on due Proof of the due Entry and Payment of the Custom and Subsidy thereof inwards, and of the shipping thereof to be exported, to be made as in the second Article is declared.

VII. If any Merchant having duly paid all Duties inwards for foreign Goods, and in regard of bad Sales shall be enforced to keep the same or any part thereof in his Hands, after the Space of a Year shall be elapsed, in this case he, or any  
other

other Person, is to be permitted to ship the same out for parts beyond the Seas, (if they think fit) without Payment of any Subsidy for the same outwards, upon due Proof that the same was duly entered, and Subsidy paid inwards.

VIII. IX. X. Every Merchant bringing in any sort of Wines into this Kingdom, by way of Merchandize, and who shall make due Entries of the same in the Custom-House, shall be allowed 12 *per Cent.* for Leakage. Every Hogshead of Wine which shall be run out, and not full seven Inches, or above left therein; and every Butt or Pipe not above nine Inches, shall be accounted for Outs, and the Merchant to pay no Subsidy for the same. And if any Wines shall prove \* corrupt and unmerchantable, and fit for nothing but to distill into Hot-Waters, or to make Vinegar, then every Owner of such Wines shall be abated in the Subsidy, according to such his Damages in those Wines, by the Discretion of the Collectors of the Customs, and one of the principal Officers.

XI. If any † Tobacco, or other Goods, or Merchandize brought into this Kingdom, shall receive any Damage by Salt Water, or otherwise, so that the Owner thereof shall be prejudiced in the Sale of such Goods, the principal Officers of the Custom-House, or any two of them, whereof the Collector to be one, shall have Power to chuse two indifferent Merchants, experienced in the Values of such Goods; who upon viewing

---

\* This Rule is repealed by 6 *Geo. 1. c. 12.*

† Repealed as to Tobacco, *Stat. 12 Ann. c. 8.* and 9 *Geo. 1. c. 21.*

the said Goods, shall certify and declare on their corporal Oaths, first administred by the said Officers, what Damage the Goods have received, and are lessened in their true Value, and according to such Damage in relation to the Rates set on them in this Book, the said Officers are to make a proportionable Abatement unto the Merchant or Owner of the Subsidy due for the same.

XII. The Merchant Strangers, who according to the Rates and Values in this Book of Rates contained do pay double Subsidy for Lead, Tin, and Woollen Cloths, shall also pay double Custom for \* native Manufactures of Wool, or part Wool, and the said Strangers are to pay for all other Goods, as well inwards as outwards, rated to pay the Subsidy of Poundage, three Pence in the Pound, or any other Duty payable by *Charta Mercatoria*, besides the Subsidy.

XIII. That the Merchants trading in the Port of *London*, have free Liberty to lade and unlade their Goods at any the lawful Keys and Places of shipping and landing of Goods, between the Tower of *London* and *London-Bridge*, and between Sun-rising and Sun-setting, from the tenth Day of *September* to the tenth Day of *March*; and between the Hours of six o'Clock in the Morning, and six o'Clock in the Evening, from the tenth Day of *March* to the tenth Day of *September*, giving Notice thereof to the respective Officers appointed to attend the Lading and Unlading of Goods: And such Officer as shall refuse, upon due calling, to be present, shall

---

\* Repealed as to Goods exported by Merchant Strangers, by 25 Car. 2. c. 6.

## Poundage, by modern Statutes. 211

forfeit for every Default 5*l.* one Moiety to the King, and the other Moiety to the Party grieved suing for the same.

XIV. XV. XVI. XVII. The Merchants of *York, Kingston upon Hull, and Newcastle upon Tyne*, and the Members thereof, shall be allowed free of Custom and Subsidy, \* two of the northern Cloths and Kerfies in ten, to be shipped in those Ports in the Names of double Wrappers, as formerly hath been there allowed them. The Merchants of *Exeter*, and other parts, shall be allowed free of Subsidy, one *Perpetuana* in ten, for a Wrapper, and three *Devon* Dozens in twenty, for Wrappers; the same to be shipped out of the Ports of *Exeter, Plymouth, Dartmouth, Barnstable, Lime-Regis*, or the Members thereof. And all Merchants transporting any sorts of Woollen, whether new or old Drapery, as also Bays and Cottons, shall be allowed one in ten for a Wrapper, free of Custom and Subsidy. Every Merchant shall be allowed upon all other Goods and Merchandizes, appointed to pay to any Subsidy of Poundage, according to the Rule of this Book, to be imported, five in the hundred of all the Subsidies of Poundage so appointed to be paid.

XVIII. The Officers who sit above in the Custom-House of the Port of *London*, shall attend the Service of their several Places, from nine to twelve o'Clock in the Forenoon; and one Officer, or able Clerk shall attend with the Book in the Afternoon, during such time as the

---

\* All woollen Manufactures are free, by 11 & 12 W. 3.  
c. 20.

Officers are appointed to wait at the Water-side, for the better deciding of all Controversies that may happen concerning Merchants Warrants. All other the Officers of the Out-Ports shall attend every Day in the Custom-House of every respective Port, for the Dispatch of Merchants and Shippers, between the Hours of nine o'Clock and twelve in the Morning, and two and four o'Clock in the Afternoon.

XIX. Every Merchant making an Entry of Goods, either inwards or outwards, shall be dispatched in such order as he cometh; and if any Officer or his Clerk shall either for Favour or Reward, put any Merchant, or his Servant duly attending, by of his Turn, or otherwise delay any Person so attending, and making his Entries aforesaid, to draw any other Reward or Gratuity from him than is limited in the Act for Tonnage and Poundage, and this Book; if the Master-Officer be found faulty herein, he shall upon Complaint to the chief Officers of the Custom-House, be strictly admonish'd of his Duty; but if the Clerk is found faulty therein, he shall on Complaint to the said chief Officers be presently discharged of his Service, and not permitted to sit any more in the Custom-House.

XX. The Lord Mayor, Commonalty, and Citizens of *London*, their Officers or Deputies, for and touching the Offices of Package, Scavage, Bailage or Portage of any Goods or Merchandize of Aliens, or their Sons born within this Kingdom, or of Unfreemen, imported or exported into, or out of the City of *London*, or the Liberties or Ports thereof, unto or from the Parts beyond the Seas, for or concerning the receiving and taking of any Fees or Rates heretofore

fore usually taken, in respect of the said Offices, or any of them, they may receive and take the same; any thing in the Act for Tonnage and Poundage, or this Book, or any former Act, to the contrary notwithstanding.

XXI. All ancient Duties heretofore lawfully taken by any City, or Town Corporate, their Farmers, Deputies or Officers, under the Name of Town Custom, or the like, for the Maintenance of Bridges, Keys, Harbours, Wharfs, &c. shall and may be received and enjoyed as formerly; any thing in the said Act, or any other Act or Book, to the contrary notwithstanding.

XXII. The Under-Searcher, or other Officers of *Gravesend*, having Power to visit and search any Ship outward-bound, shall not without just and reasonable Cause detain any such Ship, under Colour of searching the Goods therein laden, above three Tides after her Arrival at *Gravesend*, on pain of Loss of their Office, and rendring Damage to the Merchant and Owner of the Ship. And the Searcher, or other Officer of the Custom-House in any of the Out-Ports, having Power to search and visit any Ship outward-bound, shall not without just Cause detain such Ship under colour of searching the Goods laden therein, above one Tide after the said Ship is fully laden and ready to set sail, under pain of Loss of the Office of such Offender, and rendring Damage to the Merchant and Owner of the Ship.

XXIII. That all Timber in Balks, which shall be of eight Inches square, or upwards, that shall be imported, or brought from any Part beyond the Sea into the Realm of *Great Britain*, shall be rated according to the Measure of Timber the Foot square, three Pence for the Value thereof,

and according to that Rule shall pay for Subsidy twelve Pence in the Pound according to Poundage; and all under eight Inches square, and above five Inches, shall pay Subsidy according to the Rates mentioned in this Book of Rates for middle Balks, and all of five Inches square, or under, shall pay according to the Rate of small Balks.

XXIV. For avoiding of all Oppression by any of the Officers of the Customs, in any Port of this Kingdom, in exacting unreasonable Fees from the Merchant, by reason of any Entries or otherwise, touching the shipping or unshipping of any Goods, Wares and Merchandize: It is ordered, that no Officer, Clerk, or other Person, belonging to any Custom-House whatsoever, shall exact, require or receive any other, or greater Fee, of any Merchants or others, than such as are, or shall be established by the Commons in Parliament: And if any Officer, or other shall offend contrary to this Order, he shall forfeit his Office and Place, and be for ever after incapable of any Office in the Custom-House.

XXV. All Fees appointed to be paid unto the Customer, Comptroller, Surveyor or Surveyor General, in the Port of *London*, for any Cocket or Certificate outwards, shall be paid all together in one Sum to that Officer from whom the Merchant is to have his Cocket or Certificate above in the Custom-House; and after the Merchant hath duly paid his Custom and Subsidy, and other Duties above, in the Custom-House, as is appointed by this Book of Rates, he is to be Master of, and keep his own Cocket or Certificate, until he shall ship out his Goods so entered, when he is to deliver the same to the Head-Searcher, or his Majesty's Under-Searcher, in the  
Port

Port of *London*, or other Ports, together with the Mark and Number of his Goods.

XXVI. The Officers of the Custom-House for the time being, shall allow and make good unto all Persons, all such Monies as are or shall be due to them for the Half Subsidy; and also the *Algier* Duty of foreign Goods formerly exported, now due and unpaid.

XXVII. The Duties and Sums of Money appointed to be paid by the Act of Subsidy of Tonnage and Poundage, and by the Book of Rates therein mentioned, and no other, shall be paid to his Majesty's Officers during the Continuance of the said Act, upon Goods imported or exported; any Law, Statute or Usage to the contrary notwithstanding. Nevertheless it is declared, that the Prifage of Wines, the Duty called Butlerage, and the Duty of 12*d.* upon every Chalder of Sea-Coal exported from *Newcastle* upon *Tyne*, to any other Port or Ports of this Realm, shall be continued.

These Rules and Orders are subscribed with the Hand of Sir *Harbottle Grimstone*, Speaker of the House of Commons, as required by the Act of Tonnage and Poundage, and ratified and confirmed by a subsequent Statute: And by Virtue of a further *Order* made by the Commons in Parliament assembled, the several and respective *Fees* of the Officers and others employed in and about his Majesty's Customs in the Port of *London*, are set down and expressed in a Schedule or Table thereof, signed by Sir *Edward Turner* Knight, then Speaker of the House of Commons; Copies and Transcripts of which are ordered to be made and set up in publick

View, in the Custom-House in *London*, and other Places where the said Fees are to be paid or received.

And in case any Merchant, Master of a Ship, or other Person or Persons whatsoever, shall refuse to pay all or any of the Fees hereby ordered, then it shall and may be lawful for all and every Officer and Officers to make Stay of any Bill of Entry, Cocket or other Warrant that shall be tendered or given in for passing of any Ships, Goods or Merchandizes whatsoever, exceeding the Value of 5*l.* in the Book of Rates, for which the Fees shall be detained and denied to be paid.

By Statute 12 *Car. 2. c. 19.* If any Person or Persons shall cause any Goods, for which Custom, Subsidy, or other Duties are due and payable by Virtue of the foregoing Act, to be landed or conveyed away without due Entry thereof first made, and the Customer or Collector, or his Deputy agreed with; upon Oath thereof before the Lord Treasurer or any of the Barons of the Exchequer, or chief Magistrate of the Port or Place where the Offence shall be committed, or Place next adjoining thereunto, it shall be lawful for the Lord Treasurer, or any of the Barons aforesaid, or such chief Magistrate of the Port, &c. to issue a Warrant to any Person or Persons, with the Assistance of a Sheriff, Justice of Peace or Constable, to enter into any House in the day-time where such Goods are suspected to be concealed; and in case of Resistance, to break open such Houses, and to seize and secure the same Goods; and all Officers and Ministers of Justice are required to be assisting therein.

But

But no House shall be entred by Virtue of this Act, unless it be within one Month after the Offence supposed to be done: And if the Information whereupon any House shall come to be searched, shall prove to be false, the Party injured thereby shall recover his full Damages and Costs against the Informer, in an Action of Trespas therefore to be brought against such Informer.

The Statute 12 Car. 2. c. 32. ordains, that no Persons shall export, or load upon any Carriage, or lay on board any Ship or other Vessel, to be exported out of *England, Wales, Town of Berwick, Jersey, Guernsey, Sark and Alderney, or Ireland*, into any Places out of the Kingdoms of *England and Ireland* or the Isles and Dominions aforesaid, to any foreign Parts, any Sheep or Wool, of the Breed and Growth of the said Places, Wool-fells, Mortlings, or Shorlings, Yarn made of Wool, Wool-flocks, Fullers Earth, or Fulling Clay, on pain to \* forfeit the same, and 20s. for every Sheep, and 3s. for every Pound Weight of the other Goods: And the Owners of such Ships, knowing of such Offence, shall forfeit all their Interest in the said Ships; and the Masters and Mariners assisting thereto, all their Goods, and suffer Imprisonment for three Months. The one Moiety of the Forfeitures to go to the King, and the other to the Informer suing in any of his Majesty's Courts

---

\* Exporting Wool, &c. was made Felony by 13 & 14 Car. 2. c. 18. But that is repealed by 7 & 8 W. 3. c. 28.

of Record, or before the Justices of Assize, or in the General Quarter-Sessions of the Peace.

Offences against this Act may be determined in the County where committed, or where such Offenders are apprehended; but they may not be impeached, except within a Year after the Offence. And they that transport any of the Goods aforesaid, being convicted thereof, shall be disabled to require any Debt or Account concerning any Estate to them belonging: Also all Vessels whereof any Alien or natural born Subject, not inhabiting in *England*, shall be Owner or Part-Owner, wherein any of the said Goods shall be shipped contrary to this Act, shall be forfeited to the King. But Lamb Skins ready dressed are excepted; and Necessaries for the Ships and Persons therein.

And Wool may be transported from the Port of *Southampton* only, to the Isles of *Jersey*, *Guernsey*, *Sark* or *Alderney*, for the Use of the Inhabitants there; and they that ship such Wool shall before-hand deliver to the Customer, Comptroller, Surveyor, or Searcher of the said Port, a Writing under the Seal of the respective Governors of the said Isles, purporting that the Party is authorized to export so many Tods, and hath entered into sufficient Bond to his Majesty's Use for landing them in the Isle intended: The Wool so to be exported, not to exceed certain Quantities.

And the Customer of the Port of *Southampton* shall keep an Account of the Wool so permitted to be loaden, on pain to forfeit 100*l.* and to lose his Place; and if any of the Governors aforesaid make any Licence to export more,

more, they shall forfeit 20*l.* for every Tod so licensed.

By the 13 & 14 *Car. 2. c. 7.* No Person or Persons whatsoever, shall carry or transport out of *England* into *Ireland*, or any of the Isles belonging to this Kingdom, or to any Parts beyond the Seas, the Skins or Hides, tanned or untanned, of any Ox, Steer, Bull, Cow or Calf, otherwise than as is by this Act directed: And if any Persons shall be found guilty of transporting any Leather, or raw Hides of any of the Beasts aforesaid (excepting such Calves-Skins and Sheep-Skins, dressed without the Wool, as by Law may be transported) he shall be disabled to trade or deal in Leather, and for every such Offence shall forfeit 500*l.* to be recovered by Action of Debt, Bill, Complaint or Information, &c. one half to the King, and the other half to the Informer.  
\* But this Statute shall not extend to prohibit the Transportation of any Leather made into Boots, Shoes or Slippers, but that the same may be transported.

The Act 13 & 14 *Car. 2. cap. 11.* for preventing Frauds, and regulating Abuses in the Customs, enacted, that no Vessel arriving from beyond Sea, shall be above three Days, coming from *Gravesend* to the Place of her Discharge in the *Thames*, without touching at any Place, (except by Reason of some just Impediment allowed by the principal Officers of the Customs) and then or before, the Master and Purser shall make true Entry upon Oath of the Lading, with the:

---

\* Liberty is given to export any Leather and Skins tanned or dressed, by 20 *Car. 2. c. 5.* See 9 *Ann. c. 6.*

Marks, Qualities, &c. of every Parcel of Goods, and where she took in her Lading, of what Country built, how manned, who was Master and Owners; and in Out-Ports shall come directly to the Place of unlading, and make Entries, &c. on the Penalty of 100*l*.

No Persons taking Charge of any Ship or Vessel outward bound, shall take in any *English* Goods, 'till they have entred such Vessel in the Book of the Commissioners, Customer and Comptroller outwards of the Port where they shall load or take in the Goods, with the Name of the Captain or Master, Burthen, Cocket, Certificate, or other Custom-House Warrant, upon pain of 100*l*. and the Cocket, &c. to be void: And if any Goods for which Customs are payable, shall be secretly conveyed on board any Vessel, and escape Discovery by the Officers, and be carried beyond Sea, the Owners of them, or others that shipped such Goods, shall forfeit double the Value thereof; except for Coals, which being so secretly exported, shall pay double the Duty, to be levied as by the Act of Tonnage and Poudage is directed.

Merchants and others, passing Goods inwards or outwards, shall by themselves or their Agents, subscribe one Bill of every Entry, with the Mark, Number, and Contents or Weight of the said Goods, without which no Entry shall pass: And no Children of Aliens, under the Age of twenty-one Years, shall be Traders, nor shall Goods be entered in their Names. Merchants having Allowances inwards, shall upon Oath receive the Money due on Debentures for foreign Goods exported, by such Certificate, and with the Abatements and Allowances as were made them upon  
the

the Importation: And if they ship out less than is expressed in their Certificate, the Goods therein mentioned, or their Value shall be forfeited, and the Owner receive back no part of the Subsidy for them; and Goods so shipped out and landed again within the Realm, unless to save them from perishing, are liable to Forfeiture, and no Allowance to be made for such Goods.

The Officers of the Customs, and their Deputies may enter and search Ships and Vessels both outward and inward bound, and bring from thence to the King's Store-House all Goods prohibited or uncustomed, or for which the Duties were not paid or compounded within twenty Days after the Entry of any Ship; and if any Goods are found on board any Ship or Vessel after the clearing of the same, which have been concealed, the Master, Purser, or other Person having the Charge of such Ship, shall forfeit 100*l*. No Ship or Goods shall be seized as forfeited for unlawful Importation or Exportation, or Non-payment of any Customs or Subsidies, but by the Officers of the Customs; or by Warrant from the Lord Treasurer, or Under-Treasurer, or by Special Commission under the Great Seal or Privy Seal, and Seizures by others shall be void. And no Informer or Officer shall compound under one third of the appraised Value, on Loss of his Office.

If any Person employed about the Customs, shall take any Bribe, or connive at any false Entry, they shall forfeit 100*l*. and be incapable of any Office or Employment under the King; and the Person giving such Bribe shall forfeit 50*l*. All Officers of the Customs shall take an Oath,  
for

for the true and faithful Execution of their Trusts and Employments. And in case any Person employed in the Customs demand or take greater Sums than are due by Law, or put any Merchant or other out of his Turn, without Order before or Approbation after, from the Persons appointed to manage the Customs, or the superior Officers for the same, or shall illegally detain the Goods of any, or neglect to make Repayments or Allowances, or after Notice do not give out or execute his Warrant, he shall be liable to double Costs and Damages.

By this Statute, Vinegar, Perry, Rape, Cyder, and Cyder-eager, shall pay 4*l.* 10*s.* *per* Ton, imported by *English*, and 6*l.* if imported by Strangers, to be levied as by the Act of Tonnage and Poundage; and when there is an Exportation of them, there shall be allowed to the *English* Exporter 3*l.* 10*s.* and to the Alien 4*l.* 15*s.* *per* Ton: And Logwood may be imported to be used in Dying, paying 5*l.* for every Ton; and 4*l.* *per* Ton shall be paid to the Exporter. No Wines, other than *Rhenish*, or Spicery, Grocery, Tobacco, Pot-Ashes, Pitch, Tar, Salt, Rosin, Deal-boards, Fir Timber, or Olive Oil, shall be imported from the *Netherlands* or *Germany*, upon pain to lose the said Goods, and the Ship and Furniture.

Ships of War are subject to all Searchers, &c. by Officers of the Customs, for prohibited or uncustomed Goods, as Merchant-Men are liable to; and under the same Rules, except in case of entering and victualling Bills: And no Vessel or Packet-Boat, employed ordinarily for the Carriage of Letters and Packets (unless in cases as shall be allowed by the Officers of the Customs)

## Poundage, by modern Statutes. 223

Customs) shall import or export any Goods or Merchandize, under the Penalty of 100*l.* to be paid by the Master, who shall also forfeit his Place, and all the Goods found on board such Vessel or Boat, shall be forfeited and lost.

By 13 & 14 *Car. 2. c. 13.* None shall sell or offer to Sale, export or import, any foreign \* Bone-Lace, Cut-Work, Imbroidery, Fringe, Band-strings, Buttons, or Needle-Work of Thread or Silk, on pain to forfeit for selling, or offering to Sale as aforesaid 50*l.* and the Goods; and 100*l.* for importing, and also the Goods imported, one Moiety to the King, the other to him that will sue for the same. And foreign Wool-Cards, Card-Wire, or Iron-Wire for Wool-Cards, shall not be imported, &c. on pain of Forfeiture, or the Value. *Stat. 13 & 14 Car. 2. c. 19.*

The Statutes 18 *Car. 2. c. 2.* and 20 *Car. 2. c. 7.* are against the Importation of foreign Cattle dead or alive, which is declared to be a common Nuisance: And if any great Cattle, Sheep, or Swine, or any Beef, Pork, or Bacon shall be imported or brought from beyond Sea, (except for the necessary Provision of the Vessels wherein brought) they may be seized by Constables, &c. as forfeited, one half to the Use of the Poor of the Parish where seized, and the other half to him that shall seize; also the Vessel in which such Cattle, &c. shall be imported, and out of which

---

\* Repealed as to foreign Lace made of Thread in the *Spanish* Low Countries, or elsewhere, (not within the Dominions of the *French*) by 5 *Ann. c. 17.*

any of them are put on Shore, shall be in like manner forfeited.

By the 18 & 25 *Car. 2. c. 8.* There shall be paid to the Officers of the Customs, for every Ton of Wine, Vinegar, Cyder, or Beer imported, besides other Duties, 10*s.* and for every Ton of Brandy-Wines, or Strong Waters, 20*s.* which Money shall be kept apart, and paid quarterly into the Exchequer; there likewise to be kept distinct, and issued from thence by Warrant of the Lord Treasurer, or Commissioners of the Treasury, for defraying the Charge of the Mint and Coinage: In case of Non-payment of the Duty, the said Liquors shall be liable to such Penalties as are appointed by the Acts for Tonnage and Poundage, and against Frauds; but for what of the said Commodities shall be transported within a Year after Importation, the Duty shall be repaid.

Any Persons may transport Horses or Mares, or Cattle, into Parts beyond the Seas, in Amity with the King, paying for each Horse or Mare 5*s.* and for every Gelding 5*s.* for every Ox or Steer transported, to be paid 1*s.* for every Cow or Heifer 1*s.* and for Swine or Hogs 2*d.* each, and no more. *Stat. 22 Car. 2. c. 13.*

The 1 *Jac. 2. cap. 3.* granted to the King, these further Custom-Duties, *viz.* for every Ton of *French* Wine and Vinegar imported 8*l.* and for every Ton of *Spanish* or other Wines 12*l.* and after those Rates for greater or lesser Quantities. The Importers upon the Entry made of such Liquors, before the landing, shall pay the said Duties, or become bound with two or more Sureties to his Majesty to pay the whole Duty by three equal Payments, the first within three Months,

Months, the second in six Months, and the third within nine Months: And if any of the said Liquors shall be landed without present Payment, or without Security, they shall be forfeited, one Moiety to the King, and the other to the Informer; and yet the Importer shall pay the Duties payable by this Act.

There shall be allowed after the Rate of 10*l.* *per Cent.* for a Year, for present Payment: And Vintners and Retailers importing shall pay ready Money for the whole Duty. All other Importers, making Oath that the said Liquors are imported by way of Merchandize, and with Intent to sell again, shall be allowed the further Abatement of 8*l.* *per Cent.* and no more: But if any of the said imported Liquors be again exported, the Person exporting shall receive back no part of the Duties of this Act; nor shall the Security given for the same be discharged by Reason of such Exportation.

Officers of the Customs, and such Persons as the King shall appoint to collect these Duties, shall have Power to do all things for securing the Payment thereof, which they may do touching the Customs of Tonnage and Poundage; and if the said Liquors are imported and landed without doing what is by this Act required, they are liable to the same Seizures, and the Importers to the like Penalties and Forfeitures, which may be inflicted by former Acts.

By Statute 1 *Jac.* 2. *c.* 4. is granted an Imposition upon all Tobacco, and Sugar imported, containing the further Duties herein after mentioned, *viz.* for Tobacco of the Growth of any of his Majesty's Plantations, &c. in *America*, 3*d.* a Pound, above what it now pays; for foreign

## 226 Of Customs, Tonnage and

Tobacco 6*d.* a Pound; for *Muscovade* Sugar of the said Plantations one Farthing the Pound; for Sugar of the *English* Plantations made fit for common Use, three Farthings a Pound; for *Muscovade* Sugar of foreign Parts, and for all *Panele* Sugar, one Half-penny the Pound; and for foreign white Powder Sugar, one Penny Farthing a Pound; all the said Duties to be levied on the Consumptioner; and if the Importer be a Retailer, he shall pay them before he carries away his Goods from the Custom-House, or other Place where they are brought on Shore.

Every Importer not being a Retailer, after Entry of the Goods, shall by Bill under his Hand, before he have a Warrant to receive his Goods, become bound to the King with one or more Sureties, or procure two others to be bound, to the Value of the Duty, with Condition not to deliver the said Goods to the Buyer, or into the Custody of any Retailer, till the Duty granted by this Act be first paid; or in case he do not sell or export the same within eighteen Months, that he will pay the Duty. No Importer shall be charged for any greater Proportion of Goods than shall remain neat, after such Allowance as is directed by the Act of Tonnage and Poundage, and the Rules for collecting the Duties arising thereby: And the Importers dealing in the said Commodities by Retail, shall upon Exportation in eighteen Months after, be repaid the Duties so by them paid.

By a subsequent \* Act, the Security to be given for the said Duties on Tobacco, shall be

---

\* The Statute 7 & 8 W. 3. cap. 10.

by Bond from the Importer, with sufficient Sureties for Payment thereof at the End of eighteen Months from the Importation, with a Discount of 10*l.* *per Cent.* for prompt Payment, if paid within three Months; of 8*l.* *per Cent.* at any time in six Months; of 6*l.* *per Cent.* if within nine Months; of 4*l.* *per Cent.* if in twelve Months; and of 2*l.* *per Cent.* if within fifteen Months. The Security given by the Importers for eighteen Months, may be discharged at any time within twelve Months, and not after.

On any Payment of the said Duty for Tobacco imported to be consumed here, 8*l.* *per Cent.* is to be allowed for the Merchant's Encouragement, and for Waste and Shrinking: And there shall be an Allowance of 4*l.* *per Cent.* in consideration of Waste of any Tobacco so exported as afore-said, to be struck off from the Entry, and not to be paid where the whole Quantity entred shall be exported. The Management of the said Duties on Tobacco, are by this Act to be conformable to the Methods and Rules of the Customs.

The Statute 1 *Jac.* 1. *c.* 5. enacts, that there shall be paid to the King for all *French* Linen imported, double the Duties they stand charged with in the Book of Rates; and for Callicoes and other *Indian* Linen, 10*l.* for every hundred Pounds Value thereof; the like for wrought Silks, or other Manufactures of *India*, and all wrought Silks and Stuff manufactured in *France* or *Avignon*; for other wrought Silk imported 7*l.* for single Brandy imported 8*d.* *per* Gallon, above the Duties already payable; and for strong Water or Brandy above Proof, called double Brandy 2*s.* *per* Gallon; and for strong Waters, *Aqua vitæ*, or Spirits of the second Extraction

made here for Sale, 4*d.* *per* Gallon: The said Duties to be raised in such manner, and under such Penalties as are mentioned in the Act of Tonnage and Poundage, &c.

No Brandies shall be imported in any Cask, not containing 60 Gallons, on pain to forfeit the same, or the Value thereof, one half to the King, the other to the Informer.

By the 1 *W. & M. cap.* 12. it is enacted, that when Malt or Barley shall be at 24*s.* the Quarter, or under; Rye at 32*s.* *per* Quarter; and Wheat at 48*s.* the Quarter, or under, Merchants or others who shall put on Ship-board in *English* Ships, the Master and two thirds of their Mariners being their Majesties Subjects, any sorts of the Corn aforesaid to be exported beyond the Sea, bringing Certificates thereof to the Officers of the Customs of the Port where shipped, and giving Bond in 200*l.* for every Ton of Corn to export the same, and not re-land it in *England*, &c. shall receive from the Persons appointed to collect the Customs, for every Quarter of Barley or Malt 2*s.* 6*d.* \* Bounty; for every Quarter of Rye 3*s.* 6*d.* and for every Quarter of Wheat 5*s.* and shall pay no Custom, or Fees for Corn so laden to be exported.

The Statute 1 *W. & M. c.* 22. makes it lawful for any Person to export and ship off as Merchandize, within any of the allowed Ports by Law, and at the usual Hours, in the Presence of a sworn Officer appointed by the Commis-

---

\* This Bounty Money for Corn exported, was not to be paid, by 11 *W. 3. c.* 1.

sioners of Excise, &c. any strong Ale, Beer, Cyder or Mum, paying Custom for the same after the Rate of 1*s.* *per* Ton, and no other Duty: And such Officer is to certify to the Commissioners and Officers of the Excise, where the Entry thereof shall be made, who are to make Allowance, or repay the Excise of the Liquors, within one Month after such Exportation, deducting 3*d.* a Ton for the Charge of their Officers: And if any Merchant, Master of a Vessel, &c. shall cause any Liquors so shipped to be laid on Land, or put into any other Vessel, within *England, Wales, &c.* he shall forfeit the same, and 50*l.* more for every Cask so unduly landed, one Moiety to the King, and the other to the Informer.

The said Rate of one Shilling the Ton for Beer, &c. exported, shall be levied and paid under such Rules and Penalties, and in such manner as by the Laws of Tonnage and Poundage are ordained: And the Officers of the Customs shall charge every Master of any Vessel, in his victualling Bill, with so much Beer, Ale, &c. as such Number of Men use to spend in such Voyages; the Excise whereof to be recover'd according to the Laws established.

No Mum imported from foreign Parts, shall have any part of the Duty of Custom or Excise repaid upon Exportation.

By 2*W. & M. Sess.* 2. *c.* 10. Duties are granted on Beer, Ale, Mum, Cyder, &c. imported, for every Barrel of Beer, Ale or Mum, 6*s.* For every Ton of Cyder or Perry 8*l.* and for every Hogshead of Cyder and Perry, made here and sold by Retail, 2*s.* 6*d.* And all Metheglin and Mead 6*d.* a Gallon: The said Liquors of Beer

## 230 Of Customs, Tonnage and

and Ale, &c. which shall be imported, shall not be landed, before due Entry made with the Collector of the Excise at the Port of Importation, or before the Duties be fully paid and satisfied, and a Warrant obtained for the Landing or Delivery signed by the said Collector; or without the Presence of an Officer, on pain of Forfeiture of the Liquors or the Value. See 12 Car. 2. c. 23. & 24.

The Statute 2 W. & M. Sess. 2. c. 4. Granted to their Majesties and their Successors, over and above the Duties before imposed, the farther Custom-Duties following, *viz.* For Callicoes and other *Indian* Linen, and wrought Silks, and Manufactures of *India* and *China* (except Indigo) 20*l.* for every 100*l.* Value; and for wrought Silks imported from any other Place, 10*l.* for every 100*l.* Value thereof; and for raw Silks from *China* or the *East Indies* 5*l.* for every 100*l.* Value. For Deal Timber, and all other Wood imported from any part of *Europe*, except *Ireland*, 10*l.* for every 100*l.* Value.

For every Last of Hemp-seed, Cole-seed and Rape-seed, 4*l.* For every Ton of Hemp-seed or other Seed-Oyl imported, 8*l.* and so proportionably for greater or lesser Quantities. For every hundred Weight of Hops, 20*s.* For every hundred Weight of Pepper, containing 112 Pounds, 28*s.* above the Charge in the Book of Rates; one third part to be paid down, and Bond given for Payment of the Remainder at twelve Months End, or else to discount 10*l.* *per Cent.* for present Payment. For every 100*l.* Value of \*Gro-

---

\* Altered as to Raisins and Currans by 4 & 5 W. & M. c. 5.

## Poundage, by modern Statutes. 231

cery Wares and Drugs, (other than Pepper, Liquorish, Currans, Sugar, Tobacco, Mace, Cinamon, Nutmegs and Cloves) 10*l.* for every hundred Pounds of Currans, 5*l.* above what is charged in the Book of Rates.

For every Ton of Iron, (except Bushel Iron) imported in any Vessel not *English* built, and whereof the Master and three fourths of the Mariners are *English*, 33*s.* and for every Ton of such Iron imported in Vessels *English* built and so navigated, 23*s.* For foreign Iron-Wire, (except Card-Wire, and Wire smaller than fine and superfine; and Wares made of such Iron-Wire) for every hundred Weight, 22*s.* 6*d.* For Steel-Wire imported, 14*s.* for every hundred Weight. For every Iron Pot and Kettle imported, 1*s.* 3*d.* For every small Back for Chimneys, 1*s.* 2*d.* and every large Back, 2*s.* 4*d.* For every hundred Weight of Rod-Iron, 4*s.* For every hundred Weight of Frying-pans, 4*s.* For every hundred Weight of Steel, 5*s.* 6*d.* and for every hundred Weight of Anvils, 9*s.* 3*d.* For every hundred of single white or black Plates, 4*s.* 4*d.* And for such double Plates, 8*s.* 8*d.* For every Harness-Plate, or Iron double, 1*s.* 4*d.* For every hundred Weight of Iron drawn or hammered, less than  $\frac{3}{4}$  of an Inch square, and all other Iron Ware manufactured, 5*s.* but no such Ware hereby charged by the Piece or hundred Weight, shall be liable to pay by the Ton. And for every hundred Weight of Brass, Latten or Copper-Wire, 15*s.* and so in Proportion.

For all Yarn of Flax or Hemp, other than Cable Yarn, an additional Duty of as much as is charged in the Book of Rates; and for every hundred Weight of Cable Yarn, 5*s.* For all

## 232 Of Customs, Tonnage and

Manufactures of Glass (except *Rbenish* and *Muscovia* Window Glass) 3*s.* for every 20*s.* Value. For every hundred Weight of Melasses, imported from any other Place than the *English* Plantations, 8*s.* For every hundred Weight of Tallow, 5*s.* and for every hundred Weight of Tallow-Candles, 10*s.* For every Pound of Bever Wool cut and comb'd (except from *Russia*, and imported thence in *English* Vessels) 15*s.* For every Barrel of Pot-Ashes, containing two hundred Weight neat, 8*s.* For every hundred Weight of Cordage ready wrought, 5*s.*

For every Ton of Olive-Oil imported, 4*s.* For every hundred Weight of Liquorish, 18*s.* For every hundred Weight of Liquorish Powder, 1*l.* 17*s.* 4*d.* and for every Pound Weight of Juice of Liquorish, 1*s.* For every hundred Weight of *Barilla* or *Sophora*, 2*s.* 6*d.* For every hundred Weight of Sope, 10*s.* For every Ream of Royal Paper, 2*s.* Blue Paper, Demi and painted Paper, 1*s.* 6*d.* For every Bundle of brown Paper, 2*d.* And for all other Paper as much more as is charged in the Book of Rates. For all earthen Ware not mentioned in the said Book, 2*s.* 6*d.* for every 20*s.* Value. For every hundred Weight of Starch, 20*s.* For every hundred Weight of Allom, 4*s.* 6*d.* For every hundred Weight of Brimstone, 4*s.* 8*d.* For every hundred Weight of Tin, 30*s.* and so proportionably.

The Duties granted by this Act shall be raised, collected and paid, in Manner and Form, and by such Rules and under such Penalties and Forfeitures, as are contained in the Act of Tonnage and Poundage 12 *Car.* 2. And for all additional Duties hereby imposed, the Importer giving Security,

## Poundage, by modern Statutes. 233

curity, shall have twelve Months time (where the same is not otherwise limited) to pay the same, by four quarterly Payments: And if such Goods or Merchandize be again exported within a Twelve-Month, the additional Duty shall be repaid, and Security vacated.

Where any of the said Duties upon Goods and Merchandize are to be levied according to the Value that shall be taken according to the Book of Rates, if such Goods are there particularly rated; and if not, the Value shall be taken according to the Importer's Oath, the Duties not being to be reckoned into the Value.

By the 4 & 5 *W. & M. c. 5.* There shall be paid to their Majesties, over and above all Impositions and Duties already payable; for every 100*l.* Value of Amber Beads imported, 20*l.* For Amber rough, 10*l.* and Amber Oyl, 10*l.* for every 100*l.* Value. For Anchovies, the little Barrel, not exceeding sixteen Pounds of Fish, for every 100*l.* Value, 5*l.* For Wood, Weed, or Sope Ashes, 6*s.* the Last For every hundred Weight of Battery, Bashrones or Kettles, containing 112 Pounds, 5*s.* For every such hundred Weight of Metal prepared for Battery, 5*s.* For every hundred Weight of Books unbound, 4*s.* For Lamp-black, 20*l.* for every 100*l.* Value. For Boutel Reins, 10*l.* for every 100*l.* Value. For every Gross of Bracelets or Necklaces of Glass, 2*s.* 6*d.* For Bras wrought, 5*l.* for every 100*l.* Value. For Buckrams, 5*l.* for each 100*l.* Value. For Hair Buttons, 10*l.* for every 100*l.* Value. For Bristles drest and undrest, 5*l.* for every 100*l.* Value. For every Pound of Bacon, 4*d.* For Calve-Skins, 5*l.* for every 100*l.* Value. For Carpets, 5*l.* for every 100*l.*

## 234 Of Customs, Tonnage and

100*l.* Value. For every Gros of Catlings and Lutestrings, 18*d.* For Barbers Aprons and Cheques, 8*d.* the Piece.

For every hundred Weight of cast Copper, 7*s.* 6*d.* For every hundred Weight of Copper, part wrought or raised, 12*s.* 6*d.* And for every hundred Weight of Copper fully wrought, 17*s.* 6*d.* For Coral Beads, and all polished Coral, 20*l.* for every 100*l.* Value. For all Manufactures of Cotton only, (except Dimity) not brought from *East-India* or *China*, 5*l.* for every 100*l.* Value. For every 100*l.* Value of Couries, 10*l.* For Elephants Teeth, 10*l.* for every 100*l.* Value. For Flax rough, 5*l.* for every 100*l.* Value. For Flax dressed or wrought, 15*l.* for each 100*l.* Value. For Hemp rough, 5*l.* for every 100*l.* Value. For every 100*l.* Value of Tow, 5*l.* For every Yard of Flannel, 2*d.* For every Yard of Frieze, 3*d.*  $\frac{1}{2}$ . For every 100*l.* Value of Furs, 5*l.* For Gold and Silver Thread and Wire, 5*l.* for every 100*l.* Value. For every Pound of Goats-Hair, called *Carmenia* Wool, 4*d.* For every Pound of Goats-Hair of any other sort, 2*d.* For Hides of all sorts, dressed and undressed, except Buff and Losh, 5*l.* for every 100*l.* Value. For every Buff-hide, 2*s.* For every Losh-hide, 1*s.* For every 1000 of Walking-Canes, 25*s.* For Canes called Rattans, 5*s.* the 1000.

For Jewels rough, and precious Stones, 20*s.* for every 100*l.* Value, upon the Importer's Oath, in Lieu of all other Duties payable for the same. For every Pound of Indigo of foreign Plantations, not being of the Growth of any of the Dominions belonging to the Crown of *England*, 4*d.* And for every Pound of Indigo of the Growth

Growth of our own Plantations, 2*d.* For Latten Shaven, black Latten, and round Bottoms, 10*l.* for every 100*l.* Value. For Leather, and Skins of all Sorts, 5*l.* for every 100*l.* Value. For all Lime and Lemon-juice, 20*l.* for every 100*l.* Value. For Litmus 5*l.* for every 100*l.* Value. For all *Lapis Calaminaris*, 20*s.* for every Ton. For Madder, 5*l.* for every 100*l.* Value. And for Orchal, and Pintadoes, not brought from *East-India* or *China*, 5*l.* for every 100*l.* Value. For Pitch, not being of the Product of the Dominions or Plantations of the Crown of *England* or *Scotland*, one Moiety more than is charged in the Book of Rates. For all Tar, not being of the said Product, likewise the same Addition. And for Rosin, (except *French Rosin*) not being of the said Product, 10*l.* for every 100*l.* Value.

For all sorts of Plate of Silver, gilt or ungilt, 5*l.* for every 100*l.* Value. For Rice, 5*l.* for every 100*l.* Value. For every Weigh of Salt (except such as shall be used in curing Fish) 5*s.* For \* Silk thrown of all sorts, in the Gum, 5*l.* for every 100*l.* Value. And for every Pound of Silk wrought, other than Alamodes and Lustings, 2*s.* more than the same is already charged in the Book of Rates, &c. For Silk Ferret or Floret, a Moiety more than it is charged with in the said Book of Rates. For Ticks and Tickings (unless *Scotish*) 5*l.* for every 100*l.* Value. For every dozen Pound of Thread Outnal, 4*s.*

---

\* By 2 *W. & M. c. 9.* No thrown Silk, but only from *Italy*, *Naples*, or *Sicily*, in Ships navigated according to 12 *Car. 2.* to be imported.

## 236 Of Customs, Tonnage and

For all Tapiftry and Dornix (except manufactured in, or brought from the *French* King's Dominions) 10*l.* for every 100*l.* Value. For unwrought Inle, one half more than what is now paid for the fame. For Pan-tiles, 8*s.* the 1000. For dying Wood, (except red Wood from *Guinea*, Drugs and Logwood) 5*l.* for every 100*l.* Value. For Bees-wax, 5*l.* for every 100*l.* Value.

For every Ton of *French* Wine, 8*l.* above all Duties already charged. Upon all *French* Goods and Merchandize, (except Wine, Brandy, Salt and Vinegar) 25*l.* for every 100*l.* Value. For Alamodes and Lustrings, 15*l.* for every 100*l.* Value. For Latten, Brass or Copper Wire, 6*s.* 6*d.* the hundred Weight. For every Gallon of strong Water, *Aqua Vitæ*, or Brandy, commonly called single Brandy, to be paid by the Importer before landing, 2*s.* above the Duties before payable; and for every Gallon of double Brandy, to be paid as aforesaid, 4*s.* The Rates and Impositions hereby imposed, (except for the single and double Brandy) shall be levied according to the Act of Tonnage and Poundage, and the Directions thereunto annexed, or any other Laws now in Force relating to the Customs: And the several Rates and Duties upon single and double Brandy, to be levied according to the Laws of Excise.

When the Custom Duties granted by this Act are paid in ready Money, the Importers shall have 10*l.* *per Cent.* abated: And in case the Goods be exported again in a Twelve-Month by any *English* Merchant, or within nine Months by Strangers, the Duty shall be repaid, for what shall be so exported; all Brandy excepted. And the Duties upon Amber Beads, Amber rough, Coral Beads,

Beads, polished Coral, and Couries, to be repaid to the Merchant exporting the same, within three Years after the Importation thereof.

During the Continuance of the Act 2 *W. & M. Seff.* 2. c. 4. the Sum of 5*l.* only shall be paid for every 100*l.* Value of Raisins above the Rates thereon charged in the Book of Rates; and 50*s.* for every 100*l.* Value of Currans; the same to be collected, as by the said Statute is directed. And during the Continuance of an Act made in the *first Year* of their Majesties Reign, for charging and collecting the Duties upon Coffee, &c. at the Custom-house, there shall be paid for every hundred Weight of Coffee imported, 56*s.* and no more; and for every Pound of Cocoa-Nuts imported from any of our own Plantations, 6*d.* and from any other Countries, 8*d.* and for every Pound of Tea, imported from whence it lawfully may, 1*s.* and for every Pound of Chocolate, 1*s.* and no more: These Duties on Coffee, Cocoa-Nuts, Tea and Chocolate, to be paid over and above the Duties charged upon them in the Book of Rates.

No foreign Alamodes and Lustrings shall be imported, but on Notice first given to the Commissioners of the Customs, &c. of the Quality and Quantity, Marks, Numbers and Package thereof, with the Name of the Ship and Master, and taking a Licence from the said Commissioners for the importing the same; and the said Goods otherwise imported shall be forfeited, one Moiety to the King, and the other to him that will seize or sue for the same.

The Statute 4 & 5 *W. & M. c.* 10. ordains, that no foreign Buttons made of Hair, or other foreign Buttons whatsoever, shall be imported  
into

into this Kingdom, or bartered, sold or exchanged, on pain to forfeit the Buttons so imported, bartered, sold or exchanged; and under such further penalties as are expressed in the Act made *Anno 14 Car. 2.* prohibiting the Importation of foreign Bone-Lace, Cut-work, Imbroidery, &c. one Moiety to their Majesties, and the other to the Informer.

By the Act 4 & 5 *W. & M. c. 15.* made for continuing divers Acts relating to the Customs, &c. It is enacted, that none shall be admitted to swear to a Debenture, for any Custom Duties to be drawn back upon Re-exportation of Goods and Merchandize, but the Person who is the true Exporter, as being either interested in the Property and Hazard of the Goods, or employed by Commission, so as to be concerned in the Direction of the Voyage.

All Persons who by way of Insuranc or otherwise shall undertake to deliver any Goods imported from beyond Sea, without paying the Duties payable for the same, or any prohibited Goods, and shall deliver, or cause to be delivered, such Goods aforesaid, knowing thereof, shall for every such Offence forfeit 500*l.* And all Persons that shall agree to pay any Money for the insuring or conveying any Goods or Merchandizes so imported, without Payment of the Duties, &c. or shall receive the same, before the Customs paid, knowing thereof, incur a like Forfeiture of 500*l.* for every Offence; the one Moiety of the said Forfeitures to be to their Majesties, and the other to the Informer, or such Persons as will sue for the same, recoverable within twelve Months according to the Course of the Exchequer.

And

And if the Insurer or Manager of such Fraud be the Discoverer, he shall not only keep the Money given him, and be discharged of his Penalty, but shall have one half of the Penalty imposed upon the Parties making such Insurance, or receiving the Goods as aforesaid; and in case the Party insured make Discovery thereof, he shall recover back his *Premium*, and have a Moiety of the Forfeiture imposed on the Insurer, and be discharged of that imposed upon himself.

For the better Encouragement of the Copper and other Mines within this Kingdom, it shall be lawful for any Person or Persons whatsoever, to export all manner of Iron, Copper, or Mundick Metal out of the Realm of *England, Wales, &c.* paying the Duties and Customs; notwithstanding any former Law or Usage to the contrary; so as not to extend to the Exportation of Pot-metal, Gun-metal, or Shruff-metal, or any old Metal or Mixture therewith, or of any Copper or other Metal, than what is made of *English* Oar only. *Stat. 5 & 6 W. & M. c. 17.*

The 6 & 7 *W. 3. c. 7.* granted several additional Custom Duties on Coffee, Tea, Chocolate, and Spices, &c. For every hundred Weight of Coffee, 56*s.* For the like Weight of Currans coming from any Plantations belonging to *England*, 56*s.* but if from any other Country from whence they may lawfully come, 4*l.* 4*s.* For every Pound of Chocolate ready made, 1*s.* Every Pound of Cocoa-paste, 2*s.* Every Pound of Tea, 1*s.* but if imported from *Holland*, or any other Country not of its Growth, &c. 2*s.* 6*d.* per Pound. For all Nutmegs, Cinnamon, Cloves and Mace, 5*l.* for every 100*l.* Value. And for Pictures, whether for Sale or private Use, 20*l.*  
per

*per Cent.* of the Value, according to the Importer's Oath.

Any Person may import Nutmegs, Cinnamon, Cloves, Mace and Tea, from any Parts beyond the Seas in *English* Ships, whereof the Masters and two thirds of the Mariners are *English*, so as Notice be first given to the Commissioners of the Customs, &c. and having their Licence for it: And if the Importer of any of the Commodities aforesaid, being a Native of this Kingdom, shall within twelve Months, or an Alien in nine Months, export again any part thereof, he shall be repaid two thirds of the Duties by him paid, by Virtue of this Act, making Oath that the said Goods are really to be exported for Parts beyond the Seas, and not to be reloaded in *England*.

By 7 & 8 *W. 3. c. 10.* no Debentures are to be allowed for any Goods, but such only as shall be ship'd for Transportation; according to the second Rule annexed to the Book of Rates, the Sum of 2*s.* only shall be paid for every Ton of *Lapis Calaminaris* exported, over and above the Rates charged by the Book of Rates. All Linen Cloths commonly called *Borelaps*, not exceeding twenty-eight Inches and a half in Breadth, nor 12*d.* an *English* Ell in Value, shall be entered *ad valorem*, and pay Custom accordingly, not as *Hollands*. And it shall be lawful to import from *Ireland* any Bar-Iron unwrought, or slit and hammer'd into Rods, (other than *Swedish*, or other foreign Iron) discharged of Impositions. The impost Duty on Tobacco, granted by 1 *Jac. 2.* is by this Act directed how to be collected and managed.

The 7 & 8 *W. 3. c. 19.* enacts, that no Person shall ship, or cause to be shipped any molten Silver

## Poundage, by modern Statutes. 241

Silver or Bullion, without Certificate from the Lord Mayor and Court of Aldermen of *London*, Oath having been made before them by the Owner, and likewise two or more credible Witnesses, that the said Bullion is foreign Bullion, and no part thereof was the Coin of this Kingdom, or Clippings thereof, or Plate wrought here; which Certificate is to be produced to the Commissioners of the Customs, before any Cocket shall be granted for exporting such Bullion.

Any Officer of the Customs, or other Person, may seize any Bullion that shall be shipped without such Oath, Certificate and Entry, as forfeited, one Moiety to the King, the other to the Seizor; and the Owner and Proprietor of the Bullion shall forfeit double the Value thereof, &c. Also the Captain of such Ship who knowingly permits the same to be put on board, shall forfeit the Sum of 200*l.* and if the Ship be a Man of War, he shall also lose his Employment, and be made incapable of any other.

And every Commissioner or Officer of the Customs, who shall grant any Cocket for exporting of Bullion, otherwise than according to the Directions of this Act, shall forfeit 200*l.* and be rendered incapable of any Office of Profit or Trust whatsoever.

The Statute 7 & 8 *W. 3. c. 20.* granted to his Majesty, his Heirs and Successors over and above the Customs before imposed and payable, these farther Rates and Duties following: For every Ton of *French* Wine imported, 25*l.* without any Deduction; every Ton of *French* Brandy of single Proof, in like manner, 30*l.* of double Proof, 60*l.* And for every Ton of *French* Vinegar, in like manner, 15*l.* For all other Goods of the

## 242 Of Customs, Tonnage and

Product or Manufacture of *France*, 25*l.* per Cent. and so proportionably. The Duties to be raised, collected and paid, by such Rules, Means and Ways, and under such Penalties and Forfeitures as are expressed in the Act 12 Car. 2. of Tonnage and Poundage, or any other Laws in Force relating to the Customs.

There is a Clause in this Act, that no Persons shall export beyond the Seas, any Frame or Engine for making and knitting of Stockings, or any part thereof, upon pain of forfeiting the same, and also the Sum of 40*l.* one Moiety to the King, the other to the Person who shall inform and sue for the same in any Court of Record.

By the 7 & 8 W. 3. c. 39. Any Native of *England* or *Ireland* may import here directly from *Ireland*, any sorts of Hemp, Flax, Thread, Yarn and Linen of *Ireland*, free from all Customs and Duties whatsoever, the Master of the Ship wherein imported, bringing with him a Certificate from the chief Officer of the Port in *Ireland* where such Goods shall be put on board, expressing the several Particulars mentioned in the Bill of Lading, with the Name and Place of Abode of the Exporter from thence, and the Person to whom the Goods are consigned in *England*; and the said Goods must be sworn to be of the Growth and Manufacture of *Ireland*, &c. And by this Statute all *English* made Sail-Cloth, (upon due Proof on Oath of its being made in this Kingdom) may be exported, free from the Payment of any Custom, either in the Piece or Bolt, or in Sails ready made.

By 8 & 9 W. 3. c. 34. for lessening the Duty on Tin and Pewter exported, it is enacted, that there shall be paid on any Entry of Tin, for every

every hundred Weight unwrought, 3*s*. And for every hundred Weight of wrought Tin, commonly called Pewter, 2*s*. and so proportionably, and no more. The Duty to be received for all Drugs, imported directly from the Place of their Growth in *English* built Ships, by this Statute shall be according to the full Value of the respective Species, enumerated in the Book of Rates; and for Drugs otherwise imported, treble such Value.

The Statute 9 & 10 *W. 3. c. 13*. Grants a Duty upon all Coals imported into this Kingdom from any Parts beyond the Sea, (usually sold by Weight) of 5*s*. *per* Ton, and after that Rate for a greater or lesser Quantity; and for the like imported Coals, usually sold by Measure, 7*s*. 6*d*. *per* Chalder, to be paid by the Importer: And for Coals shipped and carried by Sea from any Port of this Kingdom to any other Port thereof, 5*s*. *per* Chalder, or 3*s*. 4*d*. the Ton. Also for all Culm Water-born in order to be shipped within this Kingdom, or brought into the same, 1*s*. *per* Chalder, payable where imported by the Owner, Master, or other Persons having the Charge of the Ship or Vessel. And due Entries to be made of Ships and Coals, &c. on pain of Forfeiture.

And the said Duties upon Coals and Culm so imported or Water-born, shall be under the Management of the Commissioners of the Customs, and be collected and paid into the Exchequer, distinct from all other Monies; which said Commissioners may under their Hands and Seals appoint in every Port, Meters, Weighers, or Measurers of the said Coals, who upon the unlading of Ships, shall deliver a Certificate to the Col-

lector of the said Duties, of the Sorts and Quantity of Coals, under the Penalty of 100*l*.

By the 9 & 10 *W. 3. c. 23.* over and above all Subsidies of Tonnage and Poundage, and additional Duties already payable, there shall be paid one other Subsidy called Tonnage, for all Wines imported, *viz.* of every Ton of *French Wine*, that shall be brought into the Port of *London*, by way of Merchandize, by natural-born Subjects, 4*l.* 10*s.* and by Strangers and Aliens, 6*l.* Every Ton of like Wine brought to any other Port of this Kingdom, by natural Subjects, 3*l.* and by Aliens, 4*l.* 10*s.* For every Butt or Pipe of sweet Wines, of the Growth of the *Levant, Spain* or *Portugal*, brought into the Port of *London* by Subjects, 45*s.* and by Aliens, 3*l.* And every Butt or Pipe brought into any other Port by natural-born Subjects, 30*s.* and by Strangers, 45*s.* Every Awm of *Rhenish Wine*, or of the Growth of *Germany*, imported by natural Subjects, 20*s.* and by Aliens, 25*s.* And if such Wines are landed in the Out-Ports, and afterwards brought to *London* by Certificate, they shall pay so much more as they paid short of the *London Duty*: Which several Rates for Wines are the same as in the Book of Rates, referred to by the Act 12 *Car. 2. c. 4.*

And all manner of Goods and Merchandizes imported, shall pay one further Subsidy of Poundage of 12*d.* *per* Pound of the Value thereof, according to the said Book of Rates: Except all Fish *English* taken, and imported in *English* Bottoms, fresh Fish and Bestial imported, and all other Goods mentioned to be Custom-free in the said Book of Rates, and such Goods as are commonly used in dying. And Drugs imported from the

the Place of their Growth in *English* built Shipping, shall be rated by this Act but one third part charged in the Book of Rates; and so of all Spicery, except Pepper: Linen and Silks imported shall not pay the additional Duty of one Moiety, mentioned in the said Book of Rates. Nor is Tobacco of the *English* Plantations to be charged with the additional Duty of 1*d.* per Pound, over and above the Subsidy in the Book of Rates; nor shall the Wines of *France*, *Germany*, *Portugal* or *Madera* be charged with the additional Duty of 3*l.* per Ton, or any other Wines with 4*l.* per Ton, mentioned in the former Acts or Book of Rates. And Ginger of the *English* Plantations, valued at 16*d.* per Pound in the said Book of Rates, shall pay for the former Subsidy 12*d.* the hundred Weight, and the same Rate for this present Subsidy, and no more.

Out of the Duties hereby granted, there shall be the like Allowances as are prescribed in the former Acts or Book of Rates: And the said Duties shall be levied by the Officers of the Customs, according to the Rules and Directions of the former Act of Tonnage and Poundage. All foreign wrought Silks exported within one Year from the Importation, shall have two thirds of the Rates hereby charged, repaid at the Custom-House. For all Tobacco coming from the *English* Plantations, exported within a Year, the further Subsidy shall be repaid: And the whole Duty laid by this Act on Sugars of the *English* Plantations in *America*, is to be paid back upon Exportation. Also there shall be repaid at the Custom-House, within one Month after Demand, 3*s.* for every hundred Weight of Sugar refined in *England*, and exported; Oath being made that

it was produced from brown and *Muscavado* Sugar charged by this Act, imported from the *English* Plantations, for which the Duty was paid on Importation.

If any Persons import or bring into this Kingdom any cut Whale-bone, other than in Fins only, they shall forfeit the Goods, and double the Value of the cut Whale-bone so imported, one Moiety to the King, the other to them that shall seize or sue for the same. And further Penalties and Forfeitures are inflicted on Masters of Ships importing such foreign cut Whale-bone; and on trading Persons having the same in their Custody, by this \*-Statute.

By 9 & 10 *W.* 3. c. 28. It shall be lawful to export such Watches, Sword - Hilts, wrought Plate, and other Silver Manufactures made within this Kingdom, being of the Fineness of eleven Ounces and ten Penny-weight of fine Silver to every Pound *Troy*, and so proportionably, according to the Rules in the Act made 8 & 9 *W.* 3. as shall be yearly allowed by the Commissioners of the Customs. And no Person shall export or send out of the Kingdom, any Boxes, Cases or Dial-plates for Clocks or Watches, without the Movements therewith made up fit for Use, with the Clock or Watch-maker's Name engraven thereon; upon pain of Forfeiture, and also 20*l.* for every Offence.

By the Statute 9 & 10 *W.* 3. c. 30 & 43. All Lustrings and Alamodes imported into this Kingdom, shall be valued at 4*l.* for every Pound Weight, containing 16 Ounces; and the several

---

\* Statute 4 & 5 *Ann.* c. 12.

Subsidies and Duties thereon, be collected, paid and answered according to that Valuation, with such Allowances, and under such Penalties, as are prescribed by former Acts. And no Alamodes or Lustrings are to be imported but into the Port of *London* only; giving Notice to, and taking Licence from the Commissioners of the Customs there, &c. Also they shall be marked and sealed with the Custom-House Seal, &c. And if any of these Silks shall be imported contrary to this Act, they may be seized as forfeited, and shall be transported again, without any Draw-back allowed for the Duty, &c. And all Persons who shall so import, or knowingly receive any Alamodes or Lustrings into their Custody, or sell or offer to sell any such foreign Silks so fraudulently imported, and their Assistants knowing thereof, shall forfeit 500*l*.

By 9 & 10 *W. 3. c. 40.* the Act made 7 & 8 *W. 3.* for the more effectual preventing the Exportation of Wool, &c. is continued; by which Statute, no Wool, Wool-fells, Mortlings, Shorlings, Yarn made of Wool, Wool-flocks, Fullers-Earth, or Scouring-Clay, shall be carried by Land, to or from any Place in the Counties next adjoining to *Scotland*, or within five Miles of the Sea-Coasts, but between Sun-rising and Sun-setting, under Penalty of Forfeiture of the said Commodities, and the Horses and Carriages employed in carrying thereof: And no Ship or Vessel shall export the same to any Port beyond the Seas, on pain of forfeiting the Vessel, and treble the Value thereof, &c. And the Inhabitants of the Hundred or Place adjoining, out of or thro' which any of the said Commodities shall be carried or exported, are liable to Forfeitures.

All Owners of Wool, shorn, housed or lodged within ten Miles of the Sea-side in *Kent* and *Sussex*, shall give an exact Account in Writing, in three Days after sheering their Sheep, of the Number of Fleeces, and where lodged or housed, to the next adjoining Port or Officer of the Customs, and the like Notice before Removal thereof, and the Name and Abode of the Persons to whom disposed of, and where intended to be conveyed; and shall take a Certificate of the Entry, on Forfeiture of the Wool not entered, or otherwise disposed of, and a Penalty of 3*s.* per Pound for such Wool, as if it had been actually transported. And Persons residing within fifteen Miles of the Sea in those Counties, shall not buy any Wool, before they enter into Bond to the King with Sureties, not to sell the same to any Persons within fifteen Miles of the Sea; and if any Wool be carrying to the Sea-side, without Entry and Security given, it shall be forfeited, and 3*s.* for every Pound Weight.

None shall export or convey out of *Ireland* into any foreign Parts, other than in *England* or *Wales*, any Wool, Wool-fells, Wool-flocks, Worsted, Bay, or Woollen Yarn, Cloth, Serges, Bays, Kerseys, Says, Frizes, Druggets, Cloth-Serges, Shalloons, or any other Drapery Stuffs, or Woollen Manufactures whatsoever, made or mixed up with Wool, or Wool-flocks, or load any such Wool, &c. in any Place of *Ireland*, with Intent to be exported, &c. upon pain of Forfeiture, and 500*l.* for every Offence: And every Ship and Vessel, wherein any of the said Goods shall be so laid on board, to be forfeited with her Tackle and Furniture; and the Master and Mariners, Carriers and others concerned therein, shall forfeit 40*l.*  
And

## Poundage, by modern Statutes. 249

And this extends to the *English* Plantations in *America*, upon the same Pains, Penalties and Forfeitures. *Stat. 10 & 11 W. 3. c. 10.*

By the 10 & 11 W. 3. c. 21. to prevent Frauds in the Importation of Tobacco, it is enacted, that no Tobacco shall be imported from the Plantations, or shipped there, but in a Cask, Chest or Case, each containing two hundred Weight of neat Tobacco at the least, at 112 Pounds to the Hundred, on pain of forfeiting such Tobacco, and 6 *d.* for every Pound Weight thereof, (except small Quantities for the Ships Company's Smoaking in their Voyage) two thirds of the Forfeiture to the King, and the other third to the Seizor and Prosecutor, to be recovered by Action of Debt, &c. Any Persons may import into this Kingdom Pearl-Ashes of the Product of *Germany*, paying the Custom Duties of Pot-Ashes.

By 10 & 11 W. 3. c. 24. no Fish, except Stock-fish and live Eels, taken by Foreigners or Aliens, (except Protestant Strangers inhabiting within this Kingdom) shall be imported in any foreign Ship or Vessel, not being wholly *English* Property, and sold in *England*, under pain of forfeiting the Ship, &c. and all Fish so imported and sold; one Moiety whereof to the Poor of the Parish where the same shall be found or seized, the other to the Seizor: But not to prohibit the Importation of Anchovies, Sturgeon, Botargo or Cavear. And this Act shall not take away an ancient Duty of Cod and Ling, payable to the King for the Service of the Household, by the Merchants trading to *Westmoney* and *Iseland*, but the same may be taken as heretofore. Allowances are to be made for Fish exported, as Pilchards, white and red Herrings;

## 250 Of Customs, Tonnage and

Herrings, Salmon, Cod-fish, Ling or Hake, &c. by the 9 & 10 W. 3. c. 44.

The Statute 11 & 12 W. 3. c. 3. granted to the King, over and above all former Duties, a Duty of 15*l.* *per Cent.* on wrought Silks and Bengals, and Stuffs made in *Persia*, *China* or the *East Indies*, and all Callicoes, painted, dyed, printed or stained there; and for all Muslins, imported into this Kingdom: The Importers of the said Goods shall enter them, and before landing give Security for Payment of the Duties, as soon as sold, and for selling the same in *London* by Inch of Candle, &c. within twelve Months after Importation. The said Duties to be under the Management of the Commissioners of the Customs; and upon a fair Sale of such Goods, the Importer paying the Duty in ready Money within twenty Days after, shall be allowed 5*l.* *per Cent.* and on re-exporting any of the said Goods in twelve Months, the said Duty shall be repaid, or the Security vacated.

Any Persons may export to the *English* Plantations, or into any other Parts beyond the Seas, all sorts of *English* Bone-Lace, Needle-Work, Point or Cut-work, Custom-free, Oath being made of its being manufactured in this Kingdom.

By the 11 & 12 W. 3. c. 10. for the better employing the Poor, by encouraging the Manufactures of this Kingdom, it is enacted that all wrought Silks, Bengals, and Stuffs of the Manufacture of *Persia*, *China* or *East India*, and such Callicoes aforesaid, which shall be imported, shall not be worn here; but shall be entered and carried to Warehouses appointed by the Commissioners of the Customs, in order for Exportation, and not taken thence but on Security given that they

## Poundage, by modern Statutes. 251

they shall be exported; which Security is to be discharged, upon Certificates or Proof of their being landed abroad, &c. And any such Goods mixed with others, or made up for Sale, found in any Place (except the said Warehouses) shall be forfeited and seized as prohibited and uncustomed Goods, and carried to the next Custom-House, and sold for Exportation only; whereof one third part of the Monies to go to the King, and the other two third parts to the Seizor, &c. Besides a Forfeiture of 200*l.* on the Person having or selling the same.

And if any Persons shall bring into any Ports of this Kingdom, except *London*, any of the said Goods, or into the Port of *London*, without making due Entries thereof, they shall forfeit the Goods, and 500*l.* to be divided as aforesaid. The Proof where the said Goods were manufactured, shall lie upon the Owner: And no Duties shall be paid upon importing such Goods, other than the half Subsidy, but that is to remain after the Goods are exported.

By 11 & 12 *W. 3. c. 20.* the Subsidies and Duties upon the Exportation of any long Cloths, short Cloths, Kerseys, Bays or Serges, Cottons, Stuffs, Stockings, Hats, Caps, or other Manufactures of Wool, made within this Kingdom, payable by the Act of Tonnage and Poundage 12 *Car. 2.* And also all Duties on exporting Wheat, Rye, Barley, \* Malt, Beans, Pease, and all other sorts of Corn and Grain; and upon exporting

---

\* The *Excise* Duty paid for Malt, to be repaid or drawn back on Exportation. See *Stat. 13 & 14 W. 3. cap. 5.*

Bread, Biscuit, and Meal out of the Kingdom, shall cease, determine and be no longer paid.

By the 12 & 13 *W. 3. c. 11.* the Rates and Duties by 6 & 7 *W. 3.* charged upon Coffee, Cocoa-Nuts, Chocolate, Tea, Nutmegs, Cinnamon, Cloves, Mace, Pictures, &c. are further continued; as is likewise the Custom Duty of 15 *per Cent.* on Muslins, granted by 11 & 12 *W. 3. c. 3.* with a Proviso, that if the Muslins be again exported, the whole Duty, upon Proof of Payment thereof, shall be repaid: And what particular Linen Goods are Muslins are explained by this Act. All Duties imposed upon japanned and laquered Goods imported to be paid according to the real Value such Goods shall be sold for by the Candle.

Exporters of Strong Waters made from malted Corn only, on Oath made thereof, &c. shall be allowed or paid 1*d.* *per* Gallon: But all foreign Spirits imported in any Vessel, under 15 Ton, except one Gallon only for the Use of each Seaman, shall be forfeited.

The Statute 1 *Ann. cap. 12.* enacts, that it shall and may be lawful to import from *Hamburg* into the Port of *London*, or any other Ports of this Kingdom, Wines of the Growth of *Hungary*, and upon the Importation of any such Wines, there shall be paid such Rates and Duties only, as by any Law in force are due and payable for any *Rhenish* Wines, or Wine of the Growth of *Germany*, imported into this Realm.

By the 1 *Ann. c. 26.* no Cocket or Bond thereon, shall be required from any Master of any Hoy or Vessel, carrying Corn, Meal and other Goods, (for which no Duty is payable, and which may be lawfully transported) between *London-Bridge* and  
and

and the supposed Line leading from the *North Foreland* to the Point called *Nase*; but the said Goods may be conveyed to any Place within the Port of *London* by Transires, or Let-pafs only, for which there shall be paid 3*s.* 5*d.* and no more, to be distributed among the Officers of the Customs, in manner as where Bonds and Cockets are taken for Goods carried Coast-wise. And the Sum of one Shilling and eight Pence half-penny, shall be divided amongst the said Officers, in lieu of their Fees, when the Quantity of Corn exceeds not fifty Quarters, and Hops fifty Bags in any one Vessel.

By 1 *Ann. Seff.* 2. *c.* 14. if any Person or Persons shall import *French* Brandy, or deliver the same out of the Ship or Vessel, the Duty not being paid or secured, or without Licence from the proper Officer, the Persons so doing, their Aiders, Assistants, or the Concealers thereof, shall forfeit the Goods and double the Value; one Moiety whereof, after Charges of Suit deducted, to go to her Majesty, and the other to the Informer, who shall sue for the same in any Court of Record. And if any Officer of the Customs or Excise shall connive at, or be concerned in any such clandestine Importation, or do not give notice thereof to the Commissioners of the Customs, &c. or shall compound with any Person without Licence, he shall be incapable of any Office in the Revenue, and forfeit 500*l.* to be recovered and divided as aforesaid.

By the Statute 2 *Ann. c.* 9. there shall be paid to her Majesty, over and above the Subsidy of Tonnage and Poundage granted by 9 *W. 3. c.* 23. &c. and other Duties, for Tonnage of all Wines imported, one third part of the Duties imposed  
by

by the said Acts, and a like third for Poundage of all Goods imported by way of Merchandize; which said Duties shall be raised, secured and paid, by the same Methods, and under the same Penalties, as by the said Acts are prescribed. And the Custom-House Officers shall not take any Fee for any thing relating only to the Tonnage and Poundage hereby granted, on the Penalty of 40*l.* one third to her Majesty, and the other two thirds with Costs to the Party grieved.

For every hundred Weight of *English* refined Sugar exported, there shall be repaid to the Exporter, 1*s.* (above the 3*s.* repayable by former Acts) Oath being made that it was produced of *Muscavado* Sugar hereby charged, imported from the Plantations, and Duty paid, &c. Importers of Tobacco shall have nine Months from the Entry of it inward for Payment of the Duty hereby imposed, (giving Bond with Security for the same) and for prompt Payment 6*l. per Cent.* and *English* Merchants are to have eighteen Months from the Entry inwards of Tobacco, Sugar, Ginger, Pepper, Beads, Cast and Bar-Iron, Dying-Wares and Drugs, to export the same, and receive the same Benefit as if exported in a Twelve-month, Requisites being performed: But no Drawback shall be allowed upon Exportation of Wares, made of foreign wrought Iron or Steel in foreign Parts, to any of the Plantations in *America*.

In all Cases where the Oath of the Importer or Exporter is required to obtain a Drawback or Allowance for foreign Goods, the Oath of the Agent or of a known Servant of any Merchant, employed in the making his Entries and paying the Customs, shall be sufficient.

By

## Poundage, by modern Statutes. 255

By 3 & 4 *Ann. c. 4.* the Duties upon low Wines, and on Coffee, Tea, Chocolate, Spices and Pictures, &c. are continued; and new additional Duties granted upon the said Commodities last mentioned, and also on white Callicoes, *China* Ware and Drugs: The white Callicoes, which do not pay Duty as Muslins, and all Dimities and other Manufactures made of Cotton imported, are liable to a Duty of 15*l. per Cent.* all Porcelain, commonly called *China* or *Japan* Ware, made of Earth, 12*l. per Cent.* all rated Drugs, except for dying, to pay 10*l.* for every 100*l.* worth thereof; and unrated Drugs, 4*l. per Cent.* according to the true and real Value. And if any of the said Callicoes, *China* Ware, or Drugs, shall be landed before Entry, and the said Duties secured or paid, &c. they shall be forfeited, two thirds to the Use of her Majesty, and the other third to such Person as will seize, inform or sue for the same.

By the Statute 3 & 4 *Ann. c. 5.* for granting a further Subsidy on Wines and Merchandizes imported; it is enacted, that there shall be paid above all other Duties and Impositions, two third parts of the Tonnage upon Wines, and Poundage on all Goods imported, as by the 9 *W. 3. c. 23.* were granted, and by 1 *Ann. c. 7:* were continued: These Duties to be raised, collected and levied by the same Ways and Means, and under such Penalties, &c. as by the said former Statutes; and the like Drawbacks or Abatements shall be made thereupon. Tobacco is excepted out of this Act; and so are such Currans as shall be imported in *English* built Shipping, navigated according to Law; and Sugar from the *English* Plantations, &c.

By

By the 4 *Ann. c. 6.* over and above the Subsidies of Tonnage and Poundage, mentioned in the 9 *W. 3. 1 Ann. c. 7. 2 Ann. c. 9.* and all other Duties, the like Subsidy of Tonnage was granted to her Majesty, her Heirs and Successors, upon all Wines imported into *England*, that was imposed by the 2 *Ann. c. 9. viz.* one third part of the Duties, as were granted by 9 *W. 3. c. 23.* And upon all Goods and Merchandizes, which during ninety-eight Years shall be imported, such Subsidy of Poundage as by the said Act 2 *Ann.* was laid or imposed. In this Act there is a Clause, that the Exception in the 3 *Ann. c. 5.* whereby Currans imported in *English* built Ships, navigated according to the Laws then in force, are exempted from Duties thereby granted, shall be extended to all Currans imported in Ships belonging to *Venice*, to exempt them from Payment of the Subsidy by that Act.

And by this Statute the Duties upon Sweets, and on Brandy imported, with divers other Custom Duties are continued; also additional Duties granted on Beer, Ale, Mum, Cyder and Perry, and upon Brandy, Spirits, or *Aqua Vitæ* imported, &c. And if there shall be an Overplus of the said Duties, which are appropriated as a Fund to make certain Payments, at the end of the first two Years, or if at the end of any subsequent Year there shall be an Overplus of the Duties, beyond what will answer the said Payments, such \* Overplus shall be disposible by Parliament.

---

\* This seems to have given Rise to the *Sinking Fund*.

## Poundage, by modern Statutes. 257

By 5 *Ann. c. 27.* the Tonnage and Poundage, and Duties upon Wines and Merchandizes imported, granted by 12 *Car. 2. c. 4.* and the Acts 12 & 14 *Car. 2.* for preventing Frauds and Concealments in the Customs: The Duties upon Wine and Vinegar granted *per 1 Jac. 2. c. 3.* The Duties on Tobacco granted by the 1 *Jac. 2. c. 4.* The Duties on Merchandizes granted by 2 *W. & M. Sess. 2. c. 4.* for laying certain Impositions on *East-India* Goods, &c. And the Duties granted by 4 *W. & M. c. 5.* being additional Impositions upon several Goods, &c. all which by subsequent Acts, and particularly 1 *Ann. c. 13.* were continued, are by this Act further continued for a certain time. But nothing herein shall be construed to determine any Clauses in any of the said Acts, that were intended to be perpetual, &c. And where any Alteration is made by any Statute in force, the same shall be observed during the Term hereby granted.

By 6 *Ann. c. 8.* it is enacted, that a Duty of 5*s.* shall be paid for every white Woollen Cloth, commonly called Broad Cloth, which shall be exported out of this Kingdom into foreign Parts: And if any Person shall export or ship on any Boat or Vessel, in order to Exportation, any such white Woollen Cloth or Cloths, without first paying the said Duty, they shall forfeit the same, or the Value thereof, one Moiety to her Majesty, the other Moiety to the Person who shall seize or sue for the same.

The 6 *Ann. c. 11.* was made for continuing one half-part of the Subsidies of Tonnage and Poundage, and other Duties upon Wines, Goods and Merchandizes, which were granted to the

## 258 Of Customs, Tonnage and

Crown in the twelfth Year of the Reign of King *Charles 2.* for the Term of ninety-six Years. And by 6 *Ann. c. 19.* the other half-part of the said Subsidies and Duties, (as by the Act 5 *Ann. c. 27.* were charged) are continued for a further time; together with the several Duties on Wine and Vinegar, upon Tobacco, and *East-India* Goods, wrought Silks, &c. And every Person who shall secretly or clandestinely import any wrought Silk mixed with Gold or Silver, or other Materials, and their Assistants, shall forfeit 200*l.* for every Offence, above the Penalties to which they are liable by former Laws; and the Persons in whose Custody such Silk is found, or who offer it to Sale, knowing thereof, or that shall conceal the same to prevent the Forfeiture, shall over and above the Loss of the Silk, be liable to the Penalty of 100*l.* to be recovered by Action of Debt, Bill or Information in any of the Courts of Record at *Westminster*, a Moiety to the Queen, and the other to the Person suing. Also all such Silks forfeited shall be sold at the Custom-house *London* by Inch of Candle, &c.

And for encouraging the Manufacture of Cordage in *Great Britain*, it is ordained, that foreign Cordage or Cable Yarn imported here, upon Exportation shall have no Allowance or Draw-back of the Duties paid by this or any other Act whatsoever.

The Statute 7 *Ann. c. 7* & 8. continues the half Subsidy granted by 6 *Ann. c. 11.* for ever, subject to Redemption; and the Duties on Coffee, Cocoa Nuts, Chocolate, Tea, Nutmegs, Cinnamon, Cloves, Mace, and Pictures, and upon Muslins, White Callicoes, *China* Ware and  
Drugs,

Drugs, are continued for ever. The Exportation of *British* Copper, and Brass Wire made in *Britain*, shall be free and without any Duty: And *Jesuits* Bark, *Sarsaparilla*, Balsam of *Tolu* and *Peru*, and all other Drugs of *America*, may be imported from any of the *English* Plantations in *America*, in any Ships regularly manned and navigated, as if they were directly imported from the Place of their Growth, paying the same Duty and no more.

By the 8 *Ann. c. 4.* an additional Duty is granted of 3*s.* per Ton, and 4*s.* 6*d.* a Chalder, for foreign Coals imported; and for Coals Water-born, carried from one Port of the Kingdom to another, 3*s.* per Chalder, and 2*s.* the Ton; for Culm Water-born 7*d.* and two tenths of a Penny per Chalder; and for Cinders Water-born 3*s.* to be paid for thirty-two Years, which Duties are continued for ever by subsequent Acts.

By 8 *Ann. cap. 7.* there shall be raised and paid for thirty-two Years, over and above all Duties and additional Duties already payable, the new Custom Duties following, *viz.* For every Pound of Pepper, *Averdupois* Weight, imported, 1*s.* 6*d.* for every Hundred of Raisins imported, 5*s.* for all Nutmegs, Cinnamon, Cloves and Mace imported, double as much as the same respectively pay by any Law now in force; and for every Pound of Snuff imported, not being of the Product or Manufacture of the *English* Plantations, 3*s.* which said respective Duties shall be paid or secured in the manner herein after mentioned.

All Pepper imported shall upon Entry be forthwith carried to a Warehouse, provided by

## 260 Of Customs, Tonnage and

the Importer, and half the Duty shall be by him paid down, who may garble it as usual; and so much thereof as is sold to be spent in *Great Britain*, shall be delivered out of the Warehouse by the Importer to the Buyer, he paying then the other half Duty; and such Pepper as is to be exported, shall be delivered out of the Warehouse to the Importer or Buyer, on giving Security to the Crown, to be taken by the Commissioners of the Customs, that it shall be exported, and not relanded in *Great Britain*: And no Drawback shall be paid. Importing Pepper into any Port, other than the Port of *London*, and not making Entries thereof, nor bringing it into the Warehouse, shall be deemed a clandestine Running and unlawful Importation, and the Offenders shall lose all the Pepper, and forfeit 100*l*.

The Importers of Raisins, Nutmegs, Cinnamon, Cloves, Mace or Snuff, shall have a Year's time for Payment of the Duty, giving Security at the Custom-house; and for prompt Payment shall be abated 10*l*. *per Cent.* and so proportionably of the aforesaid Duty: And in case any Raisins, Nutmegs, &c. or Snuff be again exported within eighteen Months by *British* Merchants, or within nine Months by Aliens, to be accounted from the time of the Entry of the Goods inwards, and due Proof thereof made on Oath, that 'tis the same for which the Duties have been paid; then the same Duties so paid shall without any Delay be wholly repaid out of any of the Duties on imported Commodities granted by this Act: And if Security be given for the said Duties, it shall be vacated, upon a Debenture certified and sworn unto.

If Raisins, or any of the said Spices or Snuff, be landed before due Entry at the Custom-house, and before the Duties paid, or without a Warrant from the Collector, or other proper Officer, the same or the Value thereof shall be forfeited, and may be seized, or recovered of the Importer or Proprietor; one Moiety to the Crown, the other to such Person who shall seize, inform or sue for it. And any Person entering a Claim in the Court, where prohibited or uncustomed Goods are prosecuted and sued for, must give Security in the Penalty of 30*l.* to answer and pay the Costs occasioned by such Claim; and in Default thereof the Goods shall be recovered.

The Statute 8 *Ann. c. 9.* enacts, that above all other Duties, there shall be paid for Wax-Candles imported, 4*d.* for every Pound, and for all other Candles imported, one Half-penny *per* Pound: Likewise the same Duties for Candles made in *Great Britain*. Candles landed without Entry at the Custom-house, &c. to be forfeited, and may be seized, &c. But Candles for which the Duties have been paid may be exported, and a Drawback shall be allowed of the said Duties, the Person giving Security to the Customer or Collector, &c. that the same shall not be re-landed in any part of *Great Britain*; and after the shipping such Candles to be exported, and giving the said Security, if any of them shall be re-landed, then not only the Penalty of the Bond shall be levied, but also the Candles so re-landed will be forfeited.

By the 8 *Ann. c. 13.* the Duties on Wines and Vinegar, Tobacco, *East-India* Goods, and the additional Duties, and Duty upon Whale-fins, &c. are further continued; and all these, with

the Duties on Candles, are continued for ever, by 9 *Ann. c. 21*.

All foreign Merchants, or *British* Merchants commissioned by them, shall have fifteen Months time from the Entry inwards of all Tobacco, Sugar, Ginger, Pepper, Bugles, Cast and Bar Iron, Dying Wood, Dying Wares, and Drugs already imported, allowed them to export the same, and shall have the like Benefit and Drawback by such Exportation, as if the said Commodities had been exported within nine Months, according to former Laws; provided Certificates be taken forth and Oath made, and all other Requisites performed.

If Tobacco, or any other foreign Goods, specified in any Certificate (whereupon any Drawback is to be made, or Debenture for such Drawback) shall not be actually exported, or shall be landed again in any part of *Great Britain*, such Goods are forfeited; and Persons relanding Certificate Goods, or assisting therein, and otherwise concerned in the unshipping, or to whose Hands the Goods shall knowingly come, shall forfeit double the Value of the Drawback, and the Vessels, Horses, and Carriages used in relanding it, &c. one Moiety to the Crown, and the other to the Party who will sue at any time within five Years after the Offence committed.

No Debenture shall be made, nor any Drawback allowed for Tobacco exported in any Vessel under the Burthen of 20 Tons. Debentures shall not be paid for any Tobacco exported from *Great Britain* to *Ireland*, until a Certificate shall be produced under the Hands and Seals of the Collector, Comptroller and Surveyor of the Customs

## Poundage, by modern Statutes. 263

stoms there, or any two of them, where such Goods shall be landed, testifying the landing thereof; which Certificate they shall give upon the Discharge of the said Tobacco: And the Master of a Vessel carrying such Certificate Goods to *Ireland*, shall take from the Collector of the Port here, a Duplicate of his Content in Writing, certified under the Hand and Seal of the Collector and Comptroller, which he shall be obliged to deliver to the Custom-Officers in *Ireland*, before he is permitted to land his Goods.

Any Officer of the Customs conniving or assisting in any Fraud relating to Certificate Goods, forfeits his Office, and shall be imprisoned for six Months: A Master or other Person belonging to any Vessel, assisting or conniving at fraudulent landing such Goods, shall suffer six Months Imprisonment. And Officers of Customs imbezilling any Goods lodged in any Warehouse in their Custody, shall forfeit double the Value to the Party grieved, with full Costs.

The Fees of Custom-Officers, in the Port of *London* and other Ports of *Great Britain*, granted and allowed by the Act 12 Car. 2. or by any Acts since made touching the same, and which may be lawfully taken for any Cockets, Certificates, Entries, Clearings, Bonds, Debentures, Sufferances, Transfers, Let-passes, Warrants, &c. shall continue and be paid till altered by Parliament.

By the Statute 9 Ann. c. 6. it is enacted, that so much of the Subsidy of Poundage and other Duties (first granted by the Stat. 12 Car. 2.) on several Goods and Merchandizes exported, as had Continuance until the first of *August* 1710.

shall be revived, and paid during the Term of \* thirty-two Years; except where the Duties for Goods exported have been taken away or diminished by Act of Parliament. And any Persons, Natives or Foreigners, may export all sorts of Leather, tanned, tawed or dressed, paying the Duty of 12*d.* for every hundred Weight, for the Term aforesaid.

All Coals of *Wales*, or of the West of *England*, which shall be exported to *Ireland*, or the *Isle of Man*, shall pay 1*s.* per Chalder; and every Chalder that shall be shipped for Exportation to any of the Plantations, 2*s.* and every Chalder, *Newcastle* Measure, shipped in foreign Bottoms to be exported, 12*s.* and in *English* Ships 3*s.* the Chalder: And Coals sold by Weight, thus exported to *Ireland*, &c. 8*d.* per Ton, to the Plantations 1*s.* 4*d.* a Ton, and to any other Parts, to pay by the Ton one third of the Rates charged thereon, in case they were shipped by *Newcastle* Measure,

There shall be good Security given to the Custom-Officers, where Coals are shipped for *Ireland*, the *Isle of Man*, or the Plantations, that they shall be landed there, (Dangers of the Sea excepted) and if the Ship or Vessel depart without such Security given, the same and all the Coals, or the Value, shall be forfeited. And no Duties shall be charged upon the Exportation of Coals to the Plantations, nor for Coals exported in foreign Bottoms, or for any Coals whatsoever, other than the Duties imposed by this Act.

---

\* The several Duties revived and granted by these Acts are continued for ever, by 3 *Geo.* 1. c. 7.

## Poundage, by modern Statutes: 265

Also a further Duty is granted on all Coals imported from foreign Parts, and Water-born, &c. being two thirds of the Duty granted by 8 *Ann. c. 4.* But Coals carried from *Sterling* to *Dunbar* or *Redhead*, are not chargeable: And all Coals used for melting Copper and Tin Ores in *Cornwal* or *Devonshire*, for which the Duties have been paid, shall on Proof made upon Oath before the Custom-Officer, have a Drawback for all the said Duties to be paid by the Collector.

The further like Duties on Wax and Tallow Candles imported, are granted by this Statute as by the Act 8 *Ann. c. 9.* Long Pepper shall not be charged with the Duty of 1*s.* 6*d.* per Pound, by Virtue of the Statute 8 *Ann. c. 7.* Forty Ells of Linen Cloth exported shall pay only 6*d.* and so proportionably.

By the 9 *Ann. c. 11.* for thirty-two Years, there shall be paid for all Skins and Hides imported, the Duties following, *viz.* For all Deer Skins, dressed in Oil or Allom, or otherwise perfectly dressed and imported, 6*d.* per Pound. For all Loshee, Buffalo, Elke, or any other Hides dressed in Oil, 4*d.* the Pound. For *Russia* Hides imported, 2*d.* per Pound; and for tanned Hides and Calve-Skins, a Penny Half-penny per Pound. For all Slink Calf-Skins imported, and dressed in Allom and Salt, or otherwise, with the Hair on, 1*d.* per Pound; if without the Hair, a Half-penny; and the like Half-penny the Pound for all Dog-Skins. For Goat-Skins, not usually called Cordivants, imported, 6*d.* per Pound: And for Cordivants, 4*s.* per Dozen.

For every Horse, Mare or Gelding's Hide imported, dressed in Allom and Salt, or Meal, or other-

otherwise tawed, 1*s.* For Hides of Steers, Cows or any other Hides imported, and alike dressed, 2*s.* *per* Hide. For all Kid-Skins imported, dressed or undressed, 1*s.* *per* Dozen. For Sheep-Skins imported and dressed in Oil, 1*s.* 6*d.* the Dozen, and for Lamb-Skins dressed in Oil, 1*s.* and for all such Skins dressed in Allom, Salt or Meal, or tawed, 6*d.* *per* Dozen. And for all Hides and Skins, and Pieces imported, tanned or dressed, not before charged, and all Wares made into Manufacture of Leather, or whereof the greatest part is such, a Duty of 15*l.* for every 100*l.* of the real Value, to be paid by the Importer. And all Vellom and Parchment imported or made in *England*, shall pay 1*s.* *per* Dozen for Vellom, and 6*d.* for Parchment.

The Duties on Hides and Skins, Vellom and Parchment imported, are to be paid by the Importer in ready Money before the landing thereof; and if they are landed before due Entry made, or before the Duty is paid, or without a Warrant for landing them, the same shall be forfeited. These Custom Duties shall be raised by such Rules and Methods, and under such Penalties and Forfeitures, as the Subsidies upon Poundage Goods imported: And when the Duty is paid on Skins imported, the Officer of the Customs shall mark them, to shew the same. And where any Hides or Leather Manufactures are exported into foreign Parts, upon Security given that they shall not be reloaded in *England*, the Customer, &c. is to give the Exporter a Certificate of the Kinds, Quantities and Weight, on producing whereof to the Collector of the Duties, he shall repay two thirds of the Duties, which were before charged for the said Hides, &c.

&c. and if the Goods are relanded, they are forfeited, with treble the Value.

By 9 *Ann. c. 12.* is granted a Duty on all Hops imported in *England*, over and above other Customs and Duties imposed, of 3*d.* per Pound, to be paid before landing; and for Hops growing in *Great Britain*, 1*d.* the Pound. The Duties on imported Hops shall be under the Management of the Commissioners of the Customs in *England* and *Scotland* respectively: Hops imported shall not be taken out of foreign Bags, and rebagged in *British* Bagging, in order to be exported, under the Penalty of 10*l.* per hundred Weight; and any Person fraudulently using the same Bag twice or oftner with the Officer's Mark, shall forfeit 40*l.*

*British* Hops, for which the Duty hath been paid, may be exported to *Ireland*, giving the usual Security not to reland them, &c. whereupon the Duty shall be repaid: But no Duties granted on Hops (except of *British* Growth) shall be drawn back on Exportation; and *Flanders* Hops, or any other (besides *British* Hops) shall not be imported into *Ireland*, upon pain of forfeiting all the Hops, and the Ship and Tackle, &c. The Importation of any foreign Hops into *Ireland* is a common Nuisance.

The 9 *Ann. c. 23.* enacts, that there shall be paid for thirty-two Years, for every Pack of Cards 6*d.* and for every Pair of Dice 5*s.* to be paid by the Makers or Importers thereof respectively: And the Duties upon such Cards and Dice \* imported,

---

\* Cards and Dice prohibited to be imported, vide 10 *Ann. c. 19.*

## 268 Of Customs, Tonnage and

shall be levied and brought into the Exchequer, in such Manner and under the Penalties, as any other Customs or Duties on Subsidy Goods inwards, are by any Laws in Force to be levied and brought into the said Exchequer.

By the Statute 10 *Ann. c. 19.* a Duty is granted upon all Sope imported, 2 *d. per Pound*, above all Duties already imposed, to be paid by the Importer before the landing; and upon all Sope made in *Great Britain*, 1 *d.* a Pound, to be paid by the Maker. And any Person who hath paid the Duties on Sope, or who shall buy it of such Person, may export the same, on giving Security before it is shipped, that it shall be exported, &c. and then the Collector appointed to receive these Duties in the Place where the Sope shall be exported, shall forthwith pay the Duties which have been received to the Exporter, he producing a Debenture, as required, and Certificate thereon of the Exportation.

By this Act, all Paper called Atlas Fine imported, shall pay 16 *s. per Ream*, Atlas Ordinary, 8 *s.* Imperial Fine Paper, 16 *s.* Super Royal Fine, 16 *s.* Royal Fine, 8 *s.* Medium Fine, 6 *s.* Demy Fine, 4 *s.* Demy Second, 2 *s.* 6 *d.* Demy Printing, 1 *s.* 8 *d.* Fine *Holland* Royal, 3 *s.* 3 *d.* Fine *Holland* Second, 2 *s.* Blue Royal, 2 *s.* Painted Paper, 8 *s.* Cartridge Paper, 1 *s.* 6 *d.* Elephant Fine, 8 *s.* Ordinary Elephant, 3 *s.* 3 *d.* Fine large Post, 2 *s.* 6 *d.* Fine Fools Cap, 2 *s.* 6 *d.* Bastard or Double Copy, 2 *s.* Chancery Double, 2 *s.* Superfine Pot, 2 *s.* Second Fine Pot, 1 *s.* 6 *d.* *Genoa* Royal, 3 *s.* 3 *d.* *Genoa* Medium, 2 *s.* 6 *d.* *Genoa* Demy Fine, 2 *s.* *Genoa* Demy Second, 1 *s.* 6 *d.* *Genoa* Crown Fine, 1 *s.* 6 *d.* *Genoa* Crown Second, 1 *s.* *Genoa* Fools Cap Fine, 1 *s.* 6 *d.*

## Poundage, by modern Statutes. 269

1s. 6d. German Lombard, 1s. German Demy,  
1s. 6d. German Crown, 1s. and German Fools  
Cap, 1s. a Ream.

White and brown Paper, or of any other colour or kind imported, and not before charged, to pay after the Rate of 20*l.* for every 100*l.* of the true and real Value. All Pastboards, Mildboards, and Scaleboards that shall be imported, 5*s.* for every hundred Weight. And all \* Books, Prints and Maps imported, 30*l.* *per Cent. ad valorem*, over and above the Duties already granted; all which Duties of Paper, and Pastboard, &c. and of Books, &c. shall be paid by the Importer, in ready Money on the Entries made, and before the landing thereof. The Custom-Officers shall levy the Duties payable *ad valorem*, upon the Oath of the Importer or Merchant; and if any Paper, &c. shall be landed before Entry, or the Duties paid, it shall be forfeited, or the Value, and may be seized and recovered in any Court at *Westminster*; one Moiety to the Crown, the other to him who will sue for the same. Also Duties are granted by this Statute on all Paper made in *Great Britain*.

All chequered and striped Linens, and Linens printed, painted, stained or dyed in any foreign Parts, and imported here, shall pay a Duty after the Rate of 15*l.* for every 100*l.* of the true Value thereof, to be paid by the Importer: And a certain Duty of so much *per Yard* upon

---

\* Repealed as to Books and Prints by 12 *Ann. c. 5.* The Duties on Sope, Paper, striped Linens, Leather, Starch, Coffee, &c. continued for ever, 3 *Geo. 1. c. 7.*

all Silks, painted and printed Callicoes, Linens, &c. made in *England*, is granted. After the Duty is paid to the Commissioners or Officers of the Customs where Linen shall be imported, they shall cause every Piece to be marked or stamped with a distinct Seal or Mark, to denote the Payment of the said Duty: And upon Oath made by a credible Person, that he hath reason to suspect some of these Goods, for which a Duty ought to be paid, are in the Possession of a Dealer or Trader for Sale, without being markt or stampd, the Commissioners for these Duties, &c. may by Warrant give Power to any Officer to search for and seize the same.

By the 10 *Ann. c. 26.* new additional Duties are granted on Leather Hides and Skins, &c. imported and tanned in *Great Britain*; and upon all Vellom and Parchment imported, &c. And all Hides and Calve-Skins, either rough or dressed and curried, shall be intituled to a Drawback upon Exportation, of 1 *d.* per Pound, as they shall weigh at the Custom-house.

There shall be paid, over and above the Duties already payable, for all Starch imported, 2 *s.* per Pound *Averdupois*, consisting of sixteen Ounces, to be paid in ready Money by the Importer; and for Starch made in *Great Britain*, 1 *d.* per Pound. The Duty on imported Starch shall be raised by such Rules, and under such Penalties, and with such Allowances, as the Duties on Sope imported, by the preceding Act. And Starch which hath paid the Duty may be exported, upon Security given to export the same, and that it shall not be relanded, &c. whereupon the Collector is to repay the Duty to the Person or Agent so exporting, &c.

And

And there shall be paid for all Coffee, Tea and Drugs, (except dying Drugs imported from foreign Parts, and Turpentine from the *British* Plantations) over and above all other Duties; *viz.* for Coffee imported, 12*d.* per Pound; for Tea imported from any Place within the Limits of the Charter of the *East-India* Company, 2*s.* a Pound; and from any other Place, 5*s.* And for Drugs imported, a Duty of 20*l.* per Cent. *ad valorem*: The Value of the Drugs to be ascertained according to the gross Valuation thereof in the Book of Rates, without any Abatement; or by the Price upon Sale at the Candle, or on the Oath of the Merchant or Importer, &c.

Coffee and Tea imported as aforesaid, shall upon Entry thereof be put into a Warehouse, to be approved by the Commissioners of the Customs, and so much of the Duty as would not be drawn back on Exportation by any former Laws, shall be paid down in ready Money by the Importer, &c. And all the Duties, excepting what is so paid in ready Money, for Coffee and Tea delivered out of the Warehouse to be spent in *Great Britain*, shall be paid upon the delivering it out; but if delivered to be exported, it shall be discharged, and from thenceforth no Drawback or Allowance is to be paid or made for the Exportation of such Coffee, &c. by this Act.

The importing any Coffee or Tea without making due Entry, and not bringing it to the Warehouse, is a clandestine and unlawful importing; and incurs a Forfeiture of all the Coffee and Tea, and the Sum of 500*l.* one Moiety to the Crown, and the other with full Costs to the Party who shall seize or sue for it. But if any  
Importer

Importer shall pay down all the Duty for such Coffee, &c. he shall not be obliged to secure the same in such Warehouse.

At the Request of the Importers or Buyers of Pepper, the Commissioners of the Customs shall cause all Stones, Dirt and other Trash, remaining in the Warehouses, upon garbling and cleaning thereof, to be destroyed; and they may do the same with Stones or Trash that shall be found amongst Coffee; and the Warehouse-keepers shall be discharged in their Books of so much Pepper or Coffee as is so destroyed.

There shall be paid by this Act, above all Duties already payable, for gilt Wire imported, 1*s.* for every Ounce Troy; and for all Silver Wire imported, 9*d.* *per* Ounce, to be paid in ready Money by the Importer before landing, &c. The said Duties on Wire imported shall be levied by the same Ways, and under the same Penalties as the Duties upon Sope and Starch: And during the Continuance of these Duties, no Gold or Silver Thread, Lace, Fringe or other Work made thereof, shall be imported or brought into *Great Britain*, under the Penalty of 100*l.* to be paid by the Importer for every Parcel imported.

On the Exportation of Gold or Silver Thread, Gold or Silver Lace, or Fringe made of Plate-Wire spun upon Silk, and on Debenture from the Customer, the Collector, &c. shall allow a Drawback.

By the Statute 12 *Ann. Sess. 2. c. 8.* an Allowance of eight Pounds *per Cent.* shall be made to Merchants at the Importation of all Tobacco out of the Duties payable, instead of the former Allowances, and which shall not be deducted on Exportation.

## Poundage, by modern Statutes. 273

Exportation. And all the Duties on Tobacco shall be due and payable at the End of eighteen Months, to commence thirty Days after the Master's Report of the Ship, or from the Merchant's Entry of the Goods within that time, which shall first happen.

If the Importer upon Entry made, shall pay ready Money for all, or any part of the Duties, within the said thirty Days, or within any time of the first fifteen Months, he shall in lieu of all other Discounts for prompt Payment have ten Pounds *per Cent. per Annum* for the fifteen Months, or proportionably for so many entire Months as shall remain unexpired; but not to be allowed any Discount after the End of the said fifteen Months, nor for a less time than one Month: And if Bonds for Payment of the Duties shall be paid sooner than in fifteen Months, the Importer or Proprietor shall have a Discount in Proportion.

This Act shall not take away the 8*l. per Cent.* allowed for Waste and Shrinkage, nor the 5*l.* in the hundred out of the several Subsidies and additional Duties. But no Merchant shall have any Allowance or Abatement for any damaged or unmerchantable Tobacco; and refusing to pay the Duties for it, the same is to be separated and burnt, &c. and then the Owner shall be allowed twenty-five Pounds Weight of Tobacco, free of all Duties, for every hundred Weight of such damaged Tobacco so destroyed, as a Compensation for Freight and other Charges, to be by Certificate, &c. And the Tobacco in such Certificate shall not be placed to the Merchant's Export Account, if it doth not exceed certain Quantities, for any one Hogshead, &c.

On paying down the Subsidy of one Penny *per* Pound, payable by the Act 12 *Car.* 2. Tobacco may be warehoused under the Queen and Merchant's Locks, for Security of the Remainder of the Duties; which Warehouses shall be provided by and at the Charge of the Merchants, but be first approved by the Commissioners or principal Officers of the Customs; and the Merchant is to give his own Bond to pay the rest of the said Duties at fifteen Months End, or in that time shall give good Security to pay the same at the End of eighteen Months; and if he shall not do it, or by Debentures on Exportation, or Payment of the Duties, discharge his Obligations, but that the Tobacco shall continue in the Warehouses, then the Commissioners of the Customs, &c. may sell such Tobacco by Inch of Candle, on giving fourteen Days Notice to the Proprietor, and the Product shall be applied towards paying the Customs, and the Charges expended thereon, and the Overplus rendred to the Proprietor. And if the Tobacco so put in Warehouses shall be burnt or destroyed by Fire, the Proprietors thereof are to be allowed the Duties paid, and the Bond shall be discharged.

And by this Act the Commissioners of the Customs, in all other Cases where any Goods are brought into her Majesty's Warehouses, for securing the Customs, &c. shall, as soon as conveniently they can, cause all the Goods so brought in, and which shall have remained there twelve Months, the Duties not being paid, compounded for, or secured, to be publickly sold by Auction or Inch of Candle, and the Produce is to be applied to the Payment of the Freight, Primage, and Charge of Warehouse Room, and other Charges,

## Poundage, by modern Statutes. 275

Charges, next the Customs and Duties, and then the Overplus to be paid to the Proprietor, &c.

By the 12 *Ann. Sess.* 2. c. 9. additional Duties shall be paid for Sope and Paper, &c. imported, one half as much as the Duties granted by 10 *Ann. c.* 19. And the like Duty on Starch imported, &c. as *per* 10 *Ann. c.* 26. And for all chequered and striped Linens, and Linens printed, after the Manufacture thereof, or in the Thread or Yarn before manufactured, (except Buckrams, Lawns, Canvas, Barras and *Silesia* Neckcloths) imported into *Great Britain*, and which may be lawfully worn here, a Duty of 15*l.* *per Cent. ad valorem*, to be paid by the Importer: And for Coals exported in foreign Bottoms, 5*s.* *per* Chalder, and in *British* Bottoms, 3*s.* *per* Chalder, over and above the present Duties; Coals exported to *Ireland*, the *Isle of Man*, or the Plantations excepted.

All Persons exporting any Silks, Callicoes or Linens that are printed, painted, stained or dyed, for which a Drawback is to be allowed, shall before their shipping give Notice to the proper Officer, when and where they will pack the said Goods; who is to take Care that the Seals be taken off from every Piece so intended to be exported, and take an Account of the Kinds and Quantities of such Goods, and also make a Return thereof to that Officer who shall be appointed to receive the same; and this he shall do without Fee.

And Allowance shall be made of the whole Duty charged by this Act upon all Sope spent in making Cloths, Serges, &c. or any other Manufactures of Sheeps or Lambs Wool only, or whereof the greatest part shall be Wool, or for

preparing the Wool for the same, or in whitening new Linen in the Piece, on the Oath of the Worker, &c. And further Allowances are to be made on the Exportation of tanned Leather manufactured; and a Drawback of two thirds of the Duty on exporting Sheep-Skins or Lamb-Skins, tanned, tawed or dressed.

By 12 *Ann. Sess.* 1. c. 16. it is enacted, that over and above all Subsidies and Duties already imposed upon foreign made Sails, and Sail-Cloth, or Canvas usually entered as *Holland's Ducks*, &c. which shall be imported here by way of Merchandize, (except such Canvas which is of the Product and Manufacture of *Ireland*) there shall be paid to the Crown a farther Duty of 1*d.* per Ell, and so in proportion, to be levied and collected, &c. in such manner as any other Subsidy for Goods and Merchandize imported.

And out of the said Duty shall be given a Reward or Encouragement of 1*d.* an Ell, for all Sailcloth or Canvas made in *Great Britain* fit for Sails, which shall be exported; so as Oath be made thereof, and that it is not intended to be reloaded, &c. And in case it be reloaded, it shall be forfeited, and 2*s.* per Ell by the Persons concerned therein, one Moiety to the Queen, the other to him who shall seize, inform or sue for the same.

## C H A P. XVIII.

*Of Customs and Custom-Duties, by late Statutes.*

THE Statute 1 *Geo. 1. c. 12.* enacts, that the half-part of the Subsidies upon all Wines, Goods and Merchandize, which was continued by 6 *Ann. c. 11.* the one third Subsidy of Tonnage and Poundage, and other Duties, granted by 4 *Ann. c. 6.* the Duties on low Wines, &c. and on Hops charged by the 9 *Ann. c. 12.* shall be continued and paid to his Majesty, his Heirs and Successors for ever. And the Monies arising by the said Subsidies and Duties shall be brought into the *Exchequer*, and with all surplus Money, &c. shall be one general or aggregate Fund, for satisfying and paying divers national Debts, &c. but redeemable by Parliament.

All the Powers, &c. for securing the Duties, or for encouraging the Exportation of \* *British* Hops for *Ireland* in the said Act of 9 *Ann. c. 12.* are hereby revived and continued for ever; and the Master of every Ship carrying Hops to *Ireland*, shall take from the Collector of the Port in *Great Britain*, where he shall lade any Hops, a Duplicate of his Content in Writing, of all the Hops laden on board his Ship, before he be

---

\* The Drawback on *British* Hops exported for *Ireland*, is taken off by 6 *Geo. 1. c. 11.*

permitted to sail, under the Hand and Seal of such Collector, &c. Which Duplicate the said Master shall deliver on Oath to the Officer of the Customs in *Ireland* at the Port where he shall arrive, before the landing any Hops; and if they shall be landed there without such Duplicate produced, all such Hops are liable to Forfeiture, and 10s. for every Pound Weight thereof.

By the 1 *Geo.* 1. c. 43. such and the like Rates, Duties and Impositions as were granted by the Act 18 *Car.* 2. c. 5. and which by several subsequent Acts were revived and continued, upon the Importation of Wines, Vinegar, Cyder, Beer, Brandy and strong Waters, are farther continued; and all the said former and other Acts concerning Coinage, and every Clause, &c. in them contained, shall continue and be put in Execution, as fully as if they were repeated in this Act.

And it is declared, that all *Senna* imported into *Great Britain* shall be subject to the Payment of the Duties charged in the Book of Rates, annexed to the Act of Tonnage and Poundage, 12 *Car.* 2. c. 4. and several other Acts for continuing and increasing the same; so as to pay as a medicinal Drug, and not to be within the Exemption in the said Statutes for Drugs used in dying: And all Merchants, &c. shall make a just Entry thereof at the Custom-House, under the Penalty of 40l. But in case of Exportation of it, within three Months after Entry made, the Duties payable by this Statute shall be discharged or repaid.

By 1 *Geo.* 1. c. 46. the cutting of Walnut-Tree-Leaves, Hop-Leaves, Sycamore-Leaves, or any other Leaves, Herbs, &c. in Imitation of Tobacco; or colouring any such Leaves, &c. to make them resemble it, incurs a Forfeiture of 5s. for

for every Pound Weight thereof, mixed with any Tobacco: And all Persons who shall export any such Leaves, &c. or endeavour to obtain a Draw-back for the same, as if it were Tobacco which had paid the Duties, shall also forfeit 5*s.* for every Pound, and so proportionably for a greater or lesser Quantity, over and above all other Penalties; one Moiety to his Majesty (he bearing the Charge of Prosecution) and the other to the Informer, to be recovered by Action of Debt, &c. And all Leaves, Herbs and Plants, &c. so cut, coloured, cured or manufactured, and all Engines, Utensils and Tools made use of therein, or prepared for such Use, may be searched for and seized by any Officer of the Customs.

By the Statute 3 *Geo.* 1. *c.* 4. Inhabitants of *Jersey*, *Guernsey*, *Sark* and *Alderney*, may import here any Goods and Merchandizes of the Growth and Manufacture of the said Islands, (upon Certificate from the Governors, &c. and Oath made thereof) without paying any Customs or Duties; except such Duty as shall be paid for the like Goods of the Growth, &c. of *Great Britain*. But nothing in this Act shall exempt any Goods of the Growth or Manufacture of any foreign Country, which may be lawfully imported into the said Islands, or such foreign Goods, &c. as shall be in part or fully manufactured there, from Payment of such Customs on the Importation thereof in *Great Britain*, as shall be payable for Goods of the same kind imported into this Kingdom, from that foreign Country of which they are the Growth or Product.

• All Hair Powder made of Starch, and other Powder that will serve for the same Uses as Starch, shall on Importation pay the same or like

Duties as foreign Starch imported is liable to; and such Powder so imported shall be intitled to the like Drawback on Exportation, and be collected with such Allowances, and under such Penalties, &c. as is directed by the Laws in force relating to the Duties on Starch.

By the 3 *Geo. 1. c. 7* & 21. it shall be lawful for all Persons to import Linseed, without paying any Custom or Duty for the same: And any Person may export to Parts beyond the Seas, all sorts of Linen Cloth of *British* Manufacture, which shall be made of Flax or Hemp, whether fine or coarse, free of all Duties payable to the King. And all Drawbacks, Allowances and Abatements, granted by any Acts now in force, upon or out of any Duties, on Goods or Merchandizes imported or exported, shall be continued until the Duties on which such Drawbacks, &c. are granted or enacted to be made, shall cease and determine. All Linen made in *Ireland*, and imported here, may be shipped off again, and exported for any of his Majesty's Plantations in *America*, without paying any Duty whatsoever.

By the Statute 5 *Geo. 1. c. 9.* reciting the former Acts 9 & 10 *Ann.* and 1 *Geo. 1.* granting several Duties on Coals, &c. for building fifty new Churches in and about *London* and *Westminster*, and for repairing the Church of *St. Peter Westminster*, &c. and making Provision for the Ministers, it is enacted, that for all sorts of Coals and Culm which shall be imported into the Port of *London*, or the River of *Thames* within the Liberty of that City, there shall be paid over and above all other Duties, 3*s.* per Chalders, and 3*s.* per Ton: The said Duties for  
Coals

Coals and Culm so imported, to be under the Management of the Commissioners of the Customs; and shall be raised in such manner, &c. as mentioned in any Act in force, for raising, &c. any other Duties on Coals and Culm imported Coast-wise into the said Port. This Act shall not be construed to charge or lay any Duty upon such Coals (not exceeding an hundred Chalders by the Year) as shall be brought into the Port of *London* for the Use of *Chelsea* Hospital.

By the 5 Geo. I. c. 11. against clandestine running of uncustomed Goods, and for the more effectual preventing of Frauds relating to the Customs; if any foreign Brandy, Arrack, Rum, Strong Waters or Spirits shall be imported into *Great Britain*, in any Vessel under fifteen Tons, (except only one Gallon for each Seaman) every such Vessel, with all her Tackle, &c. or the Value thereof, shall be forfeited, and may be seized by any Officer of the Customs; and after Seizure and Condemnation shall be broken up, and the Materials sold, &c. And if any Rum be imported in any Cask not containing twenty Gallons, (except for the Seamen's Use) the same or the Value to be forfeited; unless it appear to be without Fraud or Concealment, when such Rum may be admitted to an Entry, and the Duties accepted.

In case any foreign Goods or Merchandizes shall by any Collier, Fisher-boat or other coasting Vessel be taken in at Sea, or out of any Vessel, to be landed or put into any other Ship, &c. without Payment of the Customs, (if it be not in a case of necessity, of which Notice is to be given and Proof made) such Goods, &c. shall be forfeited; and the Master of the Collier, &c.  
and

and Master or other Person taking Charge of the Ship, out of which the Goods shall be taken in at Sea, shall also forfeit treble the Value of such Goods so unshipped; one Moiety to the King, the other to the Informer or Prosecutor. And all Goods in Ships not reported, and found after clearing the Ships by the proper Officer of the Customs, shall be liable to Forfeiture, and may be seized.

If any Goods prohibited to be worn here, and foreign Merchandizes shipped out for Parts beyond the Seas, shall be unshipped or put on Shore, (unless in case of Distress, or in the Presence of a Custom-Officer) they shall be forfeited; and if the Master, &c. of any Ship wherein the said Goods are laden, suffer them to be landed, he shall forfeit the Value thereof; and the Person to whose Hands the Goods shall come, knowing the same to be so unshipped, shall forfeit double the Value of the said Goods, if he do not make Discovery of it to the chief Officers of the Customs in six Days. And if the Package of any such Goods shall with the Privity of the Master, &c. be opened on board any Ship, or put into other Form, while the Ship remains in Port, without Leave of the principal Officers of the Port, the Master, &c. shall forfeit 100*l*.

Where any Vessel of fifty Tons, or under, laden with customable or prohibited Goods, shall be found hovering on the Coasts, within the Limits of any Port, and not proceeding on her Voyage for foreign Parts, Wind and Weather permitting, any Officer of the Customs may go on board, and take an Account of the Lading, and demand Security of the Master, by Bond with Condition, that such Vessel shall proceed regularly

larly in her Voyage, and land the Goods in some foreign Port; and if such Master, &c. shall refuse to enter into such Bond, or not proceed on the Voyage, then all the foreign Goods on board the Vessel may by any Officer of the Customs, by Direction of the Collector, be taken out of the said Ship, and brought on shore and secured; and if such Goods are customable, the Customs shall be paid, and Wool or any other Goods prohibited are subject to Forfeiture.

And after such Goods are brought on shore, the Bonds so to be given shall be void and delivered up; and such Bonds, not being otherwise discharged, shall on a Certificate under the Seal of the chief Magistrate in any Place beyond the Seas, or under the Hands of two known *British* Merchants upon the Place, that the said Goods were landed there; or on Proof by two Witnesses, that they were taken by Enemies, or perished in the Seas, be vacated and discharged.

All Goods, &c. which shall be salv'd out of any Ship, forced on shore or stranded, (not being wreck'd Goods, or *Flotsam*, *Jetsam* or *Lagan*) shall after Salvage and other Charges paid, be liable to the like Customs, &c. as such Goods would be subject to, in case they were regularly imported. No Coffee shall be exported, but such as shall be contained in the original Bale, or in some Bale containing the same Quantity, or not less than four hundred Weight, and having the same Marks and Numbers thereon with which it was entered; except only such Coffee as shall be transported to the Plantations or *Ireland*.

No wrought Silks, Bengals and Stuffs, nor Muslins and Callicoes of the Manufacture of *Persia*, *China* or *East-India*, shall be imported into  
*Ireland*

*Ireland* from any Place, other than *Great Britain*, on Forfeiture of the Goods, or Value thereof, and also of the Ship importing the same, with all her Tackle, &c. And Officers of the Customs in *Ireland* conniving at the fraudulent Importation of such Goods, shall forfeit 500*l.* All Wool, Wool-fells, &c. or any Drapery, Stuffs or woollen Manufactures whatsoever, which shall be brought and laid on shore near the Sea, or any navigable River, with Intent to be exported out of *Ireland*, contrary to the Act 10 *W.* 3. c. 10. shall be forfeited; and the Offenders liable to the like Penalties and Forfeitures, &c. as Persons by that Act are subject unto. And the Provision by Statute for preventing the Exportation of Wool, shall extend to Wool-fells, Mortlings, Yarn, Wool-flocks, Fullers-Earth, &c. carried Coastwise.

If any Silks, Callicoes, Linens or Stuffs, printed or painted, &c. in *Great Britain*, shall be found on Land or Water, without a Mark denoting that the Duties have been paid, except on board Ships for Exportation, the same shall be forfeited, and may be seized by any Officer of the Customs or Excise; and the Person in whose Custody they shall be found shall forfeit 50*l.* one Moiety to the King, the other to the Seizor or Prosecutor in any Court of Record at *Westminster*.

In case any Officer of the Revenue shall make any collusive Seizure of foreign Goods, to the Intent the same may escape Payment of the Duties, he shall not only forfeit 500*l.* but be incapable of holding any Office under his Majesty, &c. And the Importer and Owner shall forfeit treble the Value of the Goods so collusively seized:

seized: But if the Officer, or Importer and Owner shall discover such Offence to the Commissioners of the Customs, within two Months after committed, so as his Accomplices be convicted thereof, he shall be acquitted.

By 5 *Geo. 1. c. 18.* for Encouragement of the Fishing Trade, the following Rates shall be allowed for all Fish hereafter mentioned, as shall be exported from *Great Britain* to Places beyond Sea, *viz.* for every Cask of Pilchards, containing fifty Gallons, 7*s.* For every hundred of Cod-fish, Ling or Hake, in Length 14 Inches, from the Bone in the Fin to the third Joint in the Tail, 5*s.* For every hundred of dried Cod-fish, Ling or Hake, called Haberdine, 3*s.* For every Barrel of wet Codfish, &c. being thirty-two Gallons, 2*s.* For every Barrel of Salmon, forty-two Gallons, 5*s.* 6*d.* For every Barrel of White Herrings, thirty-two Gallons, 2*s.* 8*d.* For every Barrel of full Red Herrings, of the same Contents, 1*s.* 9*d.* For every Barrel of clean shotten Herrings, 1*s.* For every Last of dried Red Sprats, 1*s.* And so in Proportion for a greater or lesser Quantity.

All which Allowances shall be paid by the Collector of the Duties on Salt in the Port from whence such Fish shall be exported, on a Debenture made by the Collector of the Customs where the said Fish shall be entered, and verified by the Searcher as to the Quantity; and upon the Oath of the Exporter, that the Fish were *British* taken, and really exported for Parts beyond the Seas, and not relanded, nor intended so to be in *Great Britain*. And before any Codfish, Ling or Hake shall be laid on board for Exportation, part of the Tail of every such Fish is to be cut off, that

it may be known they have been exported, and Allowances obtained; also the Barrels of Fish are to be marked, &c. And if any of the said Fish shall be fraudulently reimported, they shall be forfeited, and double the Value thereof.

And no Herrings, Pilchards, Codfish, Ling, Hake, Salmon or dried Red Sprats, shall after they are put on board any Boat or Vessel in any River or Port, &c. to be exported, be taken out of such Boat, &c. otherwise than to put such Fish into the Ships to export them; nor be put on shore in Ports, except in the Presence of an Officer, under certain Penalties. Where any Fish are lost or spoiled, before the Ship proceeds on her Voyage, the Bounty shall be allowed for the said Fish, as if they had been actually exported to Parts beyond the Seas; but the Fish shall be burnt or otherwise destroyed.

By the Statute 6 *Geo. 1. c. 11.* there shall be raised for the Use of his Majesty, his Heirs and Successors, over and above all other Customs and Subsidies, a Duty after the Rate of *6d. per Ounce*, upon all Silver Plate which shall be imported, to be paid down in ready Money by the Importer; and on all Silver Plate made in *Great Britain* the like Duty, payable by the Workers. The Duty on imported wrought Plate hereby imposed, is to be raised and brought into the Exchequer, by the same Rules and Methods, and with such Allowances, &c. as the Duties upon Gilt and Silver Wire imported, granted by 10 *Ann. c. 26.* And on Deben-  
 ture from the Customer or Collector of the Port, &c. Exporters of wrought Plate or Manufactures of Silver shall have a Drawback of the Duty paid, giving Security that the Quantities  
 intended

intended to be exported, shall not be relanded in *Great Britain*, &c.

By the 6 *Geo.* 1. c. 12. the tenth Rule annexed to the Act of Tonnage and Poundage 12 *Car.* 2. relating to Abatements for corrupt and unmerchantable Wine, is repealed and made void; and as a Compensation for the same, there shall be made as well to the Merchant at Importation, as also to the Prizage Master, out of all the gross Duties now laid on Wines, (except the Coinage Duty) above the present Abatements and Discounts, the several Allowances following: For *Rhenish* Wine, or Wines of the Growth of *Germany*, 2*l.* per Cent. For Wines of the Growth of *France*, or any of the *French* King's Dominions, 6*l.* per Cent. For *Spanish*, *Portuguese*, and all other Wines, 10*l.* per Cent. Which several Allowances are to be deducted on the De-benture, in case the Wines be again exported.

And if any Merchant shall find his Wines so damaged, that he shall refuse to pay or secure the Duties for the same, he may stave or destroy such Wine in the Presence of two or more Officers of the Customs; and shall be repaid the Duty, if paid, or the Quantity of Wine so staved is to be deducted from the Foot of his Account. And then over and above the Duties repaid or allowed, the Merchant shall, for every Ton of Wines of the Growth of *Germany*, or which pay Duties as such, or of the Growth of *France*, be allowed for Freight and other Charges, the Sum of 4*l.* and for Wines of the Growth of *Spain*, *Portugal* or elsewhere, 8*l.* per Ton; to be paid without delay by Certificate, out of the Duties arising by the said Act of Tonnage and Poundage.

Every

Every *British* Merchant shall have 18 Months, and every Alien 15 Months time, from the Importation of all Wines, to export the same; and have the Benefit of Drawbacks, &c. And as a farther Encouragement, the Merchant Exporter shall be allowed two thirds of the Impost Duty paid on the Importation of Wine, by Virtue of the Act 1 *Jac.* 2. c. 3.

By 6 *Geo.* 1. c. 21. no Brandy, Arrack, Rum, Strong Waters or Spirits, exceeding the Quantity of one Gallon, shall be carried from any part of this Kingdom to another, by Land or by Water, without a Permit or Certificate from one of the Officers of the Customs or Excise, signifying and certifying the Quantity and Quality thereof, and that the Duties have been satisfied, or the same had been condemned, &c. on pain of forfeiting the Brandy, or other such Liquors, which shall be found so carrying without such Permit, and the Casks and Vessels containing the same.

If any foreign Brandy, &c. be imported in any Ship, Vessel or Boat, of thirty Tons, or under (excepting one Gallon for the Use of each Seaman on board) every such Ship, &c. with her Tackle, Furniture and Apparel, and also all such Brandy, &c. or the Value, shall be forfeited; and any Officer of the Customs may seize the same, which when condemned, shall be publicly sold, &c. according to the Act 5 *Geo.* 1. c. 11. And where Ships under 50 Tons being in part or fully laden with Brandy, are found at Anchor or hovering within two Leagues of the Shore, the Commander of any of his Majesty's Ships of War, Frigates or armed Sloops, appointed for the Guard of the Coasts, or any Custom-House Boat, or Officer of the Customs, may

may compel the Master or other Person having Charge of such Ship, to come into Port, &c. And the Ship and Brandy, &c. shall be subject to the same Rules and Penalties, as those which hover within the Limits of any Port of this Kingdom, by the said Act: And if the Master, &c. of any such Ship shall suffer any Brandy, or other uncustomed or prohibited Goods, to be put out of the said Ship into any Hoy, Lighter or Boat, to be laid on Land; or shall suffer any Wool, &c. to be taken in from the Shore, he shall, besides the Penalties to which he will be liable by any Law in Being, suffer six Months Imprisonment.

And if any Officer of the Customs be forcibly hindered, wounded or beaten in the Execution of his Office, by Persons armed with Clubs or any Weapon, tumultuously assembled in the Day or Night, to the Number of eight or more, every such Person so hindering, wounding, &c. the said Officer, or such as shall act in their Aid and Assistance, being convicted thereof, shall be transported, not exceeding seven Years. But if any such Offender shall within two Months, and before Conviction, discover two or more of his Accomplices to the Commissioners of the Customs, so as two of them at least be convicted, he shall have 40*l.* Reward for each, and be acquitted of his Offence: And any other Persons discovering such Offenders in three Months, shall have the like Reward for every Offender convicted, over and above other Rewards and Penalties.

If prohibited or customable Goods shall be found by any Officers of the Customs, in the Custody of any Persons, in a Bark, Lighter, Barge or Boat on the Water; or in any House, Shop, Warehouse, &c. at Land, such Officers

may stop and put the said Goods in the King's Warehouse, there to remain 'till the Claimers make Proof to the Satisfaction of the Commissioners of the Customs, that the Duties of the customable Goods have been paid or secured, or that the same had been bought in a lawful way of Trade, &c. in which case such Goods shall be delivered without Delay or Charge: Provided such Proof be made within ten Days after the Goods have been stopped; in Default whereof, the Goods may be seized, and prosecuted as the Laws direct against Importation of uncustomed Goods, and the Forfeitures be to the like Uses.

In all cases where the Claimer of such Goods shall, by Proof on Oath or otherwise, induce the Commissioners or Collector of the Customs to order the Delivery of the Goods so stopped; if the Owners or Claimers shall receive any Damage by reason of such Stop, they may bring their Action against the Officers, for reasonable Damages sustained by means of the Goods being so detained: And if the Commissioners, &c. shall not order the Delivery of the said Goods, the Owners may nevertheless sue for Recovery of the same, or the Value thereof, together with Costs and Damages, according to the usual Course of Law in any Court of Record.

On granting Licences for importing Nutmegs, Cinnamon, Cloves and Mace, by the Commissioners of the Customs, shall be expressed therein the Quantity and Quality of the said Spices, and the Port into which they are intended to be imported; and such Licence shall be granted without Fee, &c. so as the Spices imported, other than directly from the *East-Indies*, be not in any other Package but Casks or Bales, and each

Cask.

Cask of Nutmegs, Cloves or Mace, to weigh neat 300 Pounds or upwards, and each Bale of Cinnamon 70 Pounds Weight: And the Licence so taken out shall be produced and delivered by the Master, &c. of the Ship, with the Name of the Ship and Master, and the Marks and Numbers of every Cask, Bale or Parcel, &c. endorsed thereon, to the Collector of the Port where imported. And if any of the said Spices shall be found on board any Ship, in Bags or other small Parcels, packed in Hogsheads, Casks, &c. they shall be forfeited, one Moiety to the King, the other to the Informer.

An Allowance not beyond two *per Cent.* shall be made to the Merchant Exporter, on the Duties to be drawn back, for Tobacco exported to *Ireland*, in Consideration of Waste in the Voyage. If any Tobacco enter'd out for foreign Parts and exported, shall afterwards be landed in *Ireland*, the same and double the Drawback shall be forfeited; and every Debenture thereupon shall become void, as if the said Tobacco were relanded in *Great Britain*.

The Statute 8 *Geo. 1. c. 15.* enacts, that the Subsidies and other Duties, payable to the Crown, on the Exportation of any Goods of the Product or Manufacture of *Great Britain*, shall cease and be no longer paid: And any Person may export such Goods, without paying any Duty, so as an Entry be first made thereof in the Custom-house, and the same be shipped by the proper Officer; otherwise the said Goods to be liable to the Payment of the Customs. And this Act shall not extend to determine, or alter the Duties to be paid upon exporting Allom, Lead, Lead-Ore, Leather tanned, Copperas, Coals, white woollen Cloths,

*Lapis Calaminaris*, Skins of all Sorts, Glue, Cony Hair or Wool, Hares Wool, Hair of all Sorts, Horses, and Litharge of Lead.

And there shall be allow'd to any Persons who shall export out of this Kingdom by way of Merchandize, any of the Goods or Commodities manufactured in *Great Britain*, hereinafter specified, *viz.* For all Ribbons and Stuffs of Silk only, 3 *s.* for every Pound Weight. For Silks and Ribbons mixed with Gold or Silver, 4 *s. per* Pound. For all Silk Stockings, Silk Gloves, Fringes, Silk Laces, Stitching or Sewing Silk, 1 *s. per* Pound. For all Stuffs of Silk and Grogam Yarns, 8 *d. per* Pound. For Stuffs of Silk mixed with Inle or Cotton, 1 *s.* and for all Stuffs of Silk and Worsted, 6 *d. per* Pound: Which Allowances are to be paid by the Customer or Collector of the Port from whence exported, on a Debenture made forth by them, according to the Entry of the Goods, and the shipping thereof verified by the Searchers, and Oath made by the Exporter that the Goods are of *British* Manufacture, and intended to be exported to Parts beyond the Seas, and not relanded in any part of *Great Britain*, for which Security shall be given to the Customer, &c.

The said Allowances shall not be made for such of the said Manufactures mixed with Gold or Silver, when they are so mixed only at the Edges or Ends of the Piece: And any Searcher or other Officer of the Customs, after Entry of such Goods, may open and examine any Bale, Chest or other Package, to see if the Goods are right entered; and if they shall be found so, the Officer shall, at his own Charge, cause them to be repacked to the Satisfaction of the Exporter: But  
if

if any Goods appear to be entered under a wrong Denomination, they shall be seized, and such Goods and the Value forfeited.

It shall be lawful to import all Drugs and other Goods in this Act enumerated, which are used for dying, on making due Entries, and so as the same be landed in the Presence of the proper Officer of the Customs, without paying any Subsidy or Custom whatsoever: And on all foreign Goods used in dying, which shall be so imported Duty-free, and shall again be exported, there shall be paid a Subsidy of Poundage upon the Value of 20*s.* according to the Rates herein mentioned, the Sum of 6*d.* to be raised, &c. by such ways and means, and under such Penalties, and with such Allowances as any Subsidy of Poundage on Goods exported may be by any Laws of the Customs in force.

The Duty upon Pepper imported directly from the Place of its Growth in *English* built Shipping, for such Pepper which is delivered from the Warehouses for Home-Consumption, (without altering the half Subsidy payable on the Importation thereof) shall be reduced to pay 4*d.* per Pound and no more; and the Value of the Pepper shall be computed at 6*s.* 8*d.* the Pound upon which Value 12*d.* in the Pound of Money, doth amount to the said Sum of 4*d.* The Duties on Mace, Cloves and Nutmegs imported, shall be esteemed as if they had been valued in the Book of Rates, Mace at 6*s.* Cloves 4*s.* Nutmegs 3*s.* per Pound; according to which Values, there shall be paid for every Pound Weight of Mace, 3*s.* of Cloves, 2*s.* and of Nutmegs, 1*s.* 6*d.* And the reduced Duties on Pepper delivered out of the Warehouses for

Home-Consumption, and on Mace, Cloves and Nutmegs shall have the like Continuances, and be raised as the present Duties have been and are; and on Exportation of Mace, &c. there shall be allowed certain Drawbacks, as shall bear the like Proportion to the Sums charged by this Act, as the former Drawbacks allowed did bear to the Duties thereon.

Upon Beaver Skins imported, the Duties shall be computed and paid, as if they were valued in the Book of Rates at 2 s. 6 d. according to which Rate there shall be paid for every Beaver Skin imported, 6 d. and no more: And on exporting Beaver Skins within the time allowed by Law, for which the Duty hath been paid, there shall be allowed a Drawback of the Moiety of the Duty, and no more. All Beaver Skins and other Furs of the Product of the *British* Plantations, shall be imported directly from thence into *Great Britain*, and laid on Shore there, and not elsewhere, under Penalties and Forfeitures.

By the 8 Geo. 1. c. 18. if any foreign Brandy, Arrack, Strong Waters, &c. shall be imported into this Kingdom, or any Port, Harbour, Haven or Creek thereof, in any Ship or Vessel of the Burthen of 40 Tons or under, (except only two Gallons for the Use of each Seaman belonging to the Ship, &c.) every such Vessel, with her Tackle, &c. as also all such Brandy, &c. or the Value thereof, will be forfeited, and shall and may be seized by any Officer of the Customs, and prosecuted as is prescribed in 5 Geo. 1. c. 11. and 6 Geo. 1. c. 21. concerning Ships, &c. of 15 or 30 Tons.

And by this Act, if any Person shall assault, oppose, molest or hinder any Officer of the Customs

stoms or Excise in the seizing any Brandy, &c. either Foreign or *British*, or any foreign exciseable Liquors, which may be seized by such Officers; or shall by Force or Violence rescue or procure to be rescued any such Brandy, &c. after seized, or attempt so to do; or shall at or after such Seizure, stave, break or otherwise destroy or damage any Cask, Vessel or Bottle, containing the Brandy, &c. such Offender shall forfeit 40*l.* for every Offence.

In case any Boat, Pinnace, Barge or Galley, rowing or built to row with more than four Oars, shall be found upon the Water, or in any Barge-house, &c. within any of the Counties of *Middlesex, Surrey, Kent or Essex*, or in the River *Thames* above or below *London-Bridge*, or within the Limits of the Ports of *London, Sandwich* or *Ipswich*, or the Members or Creeks to them belonging, (except it be any Barge belonging to the King or Royal Family, or any Long-Boat or Pinnace of Merchant-Ships, or Boats licensed by the Commissioners of the Admiralty) such Boat, &c. shall be forfeited, and may be seized by Officers of the Customs; and the Owners or any Persons using or rowing in such Boat, are liable to 40*l.* Penalty.

All Persons found passing, knowingly and wittingly, with any foreign Goods landed from any Ship, without due Entry and Payment of the Duties, in their Custody, from or within twenty Miles of the Coasts of this Kingdom, and that shall be more than five in Company; or that shall carry any offensive Arms, or wear any Vizard or other Disguise, when passing with such Goods; or shall forcibly hinder or resist any Officers of the Customs, &c. in seizing or securing

any sorts of run Goods and Commodities, shall be deemed Runners of foreign Goods, within the Meaning of this Act; and (being convicted of any of the said Offences) shall be adjudged guilty of Felony, and be transported in the same manner as Felons: And the same Reward is given for discovering Accomplices in running of Goods, and Persons guilty of these Offences, as by the Statute 6 Geo. 1. c. 21.

If any Person shall receive or buy Goods clandestinely run or imported, before the same shall be legally condemned, knowing it to be so run, he shall forfeit 20*l.* on Conviction before one or more Justices of the Peace of the County, &c. And Persons guilty of any Offence contrary to this or any other Act for preventing the clandestine Running of customable or prohibited Goods, or of receiving such Goods into their Custody, may be prosecuted by Action, Bill, &c. and thereupon a *Capias* specifying the Sum of the Penalty sued for shall issue; and such Persons shall be obliged to give Bail to appear in Court at the Day of the Return of the Writ, to answer such Suit; and at the time of appearing shall likewise give sufficient Bail to answer all the Penalties and Forfeitures incurred, in case they shall be convicted of the Offence, or to yield their Bodies to Prison.

Where any Goods brought or coming into any Port within this Kingdom, from any other Port within the same, by Coast-Cocket, Transire, Let-pass or Certificate, in any Vessel, shall be unshipped to be landed or put on shore before such Cocket, &c. be delivered to the Customer or Collector, and Comptroller of the Port or Place of her Arrival, and Warrant and Sufferance made  
and

and given from such Customer, &c. for landing thereof; the Master, &c. or other Person taking Charge of such Ship, knowing and consenting thereto, shall forfeit the Value of the Goods so unshipped: And if any Goods of foreign Growth or Manufacture, coming Coast-wise, shall be landed without the Presence of an Officer of the Customs, such Goods or the Value shall be forfeited.

If Ships having Wine on board shall by Stress of Weather or other Accident be stranded, the Wines which shall be saved, may be put on board any other Vessel and carried to any of the lawful Ports for landing Goods in this Kingdom, and be entitled to the same Allowances for such of them as shall be staved, spilt, &c. as if they came in the Ship or Vessel in which they were first landed. But no Allowance shall be made by Virtue of 6 *Geo. 1. c. 12.* for the Freight or Charges of any Wine imported, unless such Wine be imported in Casks on board some Merchant Ship, directly from the Country of its Growth, or usual Port or Place of its first shipping.

By 8 *Geo. 1. c. 20.* the Duties now payable on the Importation of Pictures shall cease; and in lieu thereof, there shall be paid for all Pictures imported, the certain Duties following, according to the Dimensions of such Pictures, *viz.* For every Picture of four feet square or upwards, or of any Size to answer it, 3*l.* For every Picture of two feet square, and under four, 40*s.* And for every Picture under two feet square, 20*s.* Which Duties are to be paid in ready Money by the Importers of such Pictures, before the landing of the same; and shall

shall be raised, &c. by such Rules, and under such Penalties, &c. as the Duty on Pictures hereby taken away, might have been if the same had continued.

There shall be raised and levied on all Apples which shall be imported into *Great Britain*, over and above the Customs and Duties already imposed thereon, an additional Duty of 2*s.* for every Bushel, and so proportionably; to be paid by the Importer before landing thereof.

The 9 *Geo.* 1. *c.* 8. continues certain Statutes made against clandestine running uncustomed Goods, &c. And the Act 8 *Geo.* 1. *c.* 15. for Encouragement of the Silk Manufactures, &c. shall not extend to the making any Allowances on Exportation of any Manufactures mentioned in that Act, mix'd with Silk, except such wherein at least two third parts of the Ends or Threads of the Warp, (by which is meant the Length of the Piece) be either all Silk, or mixt or twisted with Silk in the Warp: And if any Person shall be found to enter or ship any of the said Goods, which are not mixed with the Quantities of Silk before mentioned, he shall not only forfeit the Goods so entered, &c. but be prosecuted for double their Value.

By the 9 *Geo.* 1. *c.* 19. it is enacted, that there shall be paid for all bound Books imported, 14*s.* for every hundred Weight, and so in Proportion for any greater or lesser Weight, instead of the former Duties payable *ad valorem*; to be paid in ready Money before landing: This Duty to be raised in the same manner, as the former Duties were; and in all cases where those Duties were to cease, the Duty hereby

hereby charged, or a proportional part, shall determine.

By 9 *Geo. I. c. 21.* the Importers of Tobacco of the *British* Plantations, shall upon the Importation thereof pay down the old Subsidy of *1d. per Pound*, with an Allowance of *25 per Cent.* instead of former Allowances for Waste, Damage, &c. and all the other Duties on such Tobacco imported, amounting together to *5d.* and one third of a Penny *per Pound*, shall be paid down, or the Importer shall become bound with Sureties for Payment thereof within 18 Months; and in lieu of all former Encouragements and Discounts for prompt Payment, &c. one Allowance of *25l. per Cent.* of the last mentioned Duties shall be deducted and allowed; and every Importer, not paying down the said Duties, shall have an Allowance only of *15l. per Cent.* And if any Importer or Proprietor of Tobacco, that has given Security for Payment of the Duties in 18 Months, shall discharge his Bonds sooner than the Expiration of that time, he shall be abated so much as the Discount at *7l. per Cent.* shall amount to, in Proportion to the time unexpired.

No Allowance shall be made to the Importers, in Consideration of any damaged or mean Tobacco, &c. But if any Tobacco receive Damage on board any Vessel; by Strefs of Weather at Sea, or by the Ship's being forced on Shore; or in case any unforeseen Accident happen, after the Vessel's Arrival in Port, by its bulging, or by the Lighter in which the Tobacco is put to be landed, &c. the chief Officer of the Customs may allow the Importer one Half-penny for every Pound of such Tobacco, for which he shall refuse

to

to pay or secure the full Duties; and which shall be cut off and separated from the Sound, in order to be burnt or publickly destroyed by the Officers of the Customs; so as such Allowance shall not exceed 30s. for all the Tobacco damaged in any one Hogshead.

If any Tobacco entered, and the Duties thereof paid or secured, shall be exported into foreign Parts, the Exporter shall on a proper Debenture made forth, be allowed to draw back the whole Duty, or the Security shall be vacated on the Bonds given on Importation; Care being taken, that the several Allowances and Deductions at the Importing, be again deducted on the Debenture. But no Drawback is to be allowed on Tobacco exported in any Package, but only in Casks having three hundred Weight in each Cask; except Tobacco cut or rolled: And there shall be allowed for Draft only at the Scale, eight Pounds upon every Hogshead that shall contain 350 Pounds of Tobacco, or more; which Allowance shall not be deducted upon Exportation.

Persons discovering to the Officers of the Customs, any Fraud, either by the Exporter of Tobacco, or other Goods or Merchandize, or by any other in Aid of the Exporter, whereby his Majesty has been defrauded by the Exportation thereof, as to Drawbacks allowed, &c. such Persons making such Discovery shall have one half of the Officer's or Prosecutor's Share of what shall be recovered thereon, the Charges of Prosecution deducted; and the Commissioners of the Customs are to cause such Charges to be paid equally by the Crown, and the Officer or Prosecutor; and the Persons who were aiding to the  
Exporter

Exporter in such Fraud, so discovering, shall be acquitted of such Offence.

If Tobacco or other foreign Goods shall be taken on board any coasting Vessel in Parts beyond the Seas, or out of any Vessel at Sea, or at any Port or Place of this Kingdom, other than the Port from whence such Goods shall be certified, the Goods and double the Value shall be forfeited; and the Master of the coasting Vessel shall forfeit the Value of the Tobacco or other Goods. And the like Encouragement shall be given to Persons (not being the Owners, &c. of the Tobacco or Goods shipped Coastwise) discovering Frauds, by which his Majesty shall be defrauded of his Duties, &c. as above on fraudulent Exportation.

By the Statute 10 *Geo. 1. c. 10.* the several Duties upon Coffee and Tea, granted by 6 *W. 3. c. 7.* 3 *Ann. c. 4.* and 10 *Ann. c. 26.* and the Duties upon Cocoa-Nuts, granted by the said Acts of 6 *W. 3.* and 3 *Ann.* for several Terms of Years, and since continued by other Statutes, and made perpetual, but subject to Redemption, shall cease and be no longer payable: And that no Deficiency may happen in the Funds to which the said Duties by this Act determined were appropriated, it is enacted, that the respective Inland Duties hereafter mentioned shall in lieu thereof be charged on all Coffee and Tea to be sold in *Great Britain*, and upon all Chocolate to be made or sold, *viz.* on Coffee so be sold, 2 *s.* per Pound *Averdupois*, over and above all Customs and Duties remaining payable on the Importation thereof; on all Tea so to be sold, 4 *s.* and upon all Chocolate so to be made or sold, 1 *s.* 6 *d.* per Pound.

And

And an Entry shall be made of all Warehouses, &c. intended to be made use of for the keeping of Coffee, &c. on pain of forfeiting 200*l.* and the Coffee, &c. And if any Seller or Dealer in Coffee, Tea or Cocoa-Nuts, shall hide or conceal any Coffee, Tea, &c. from the View of the Officers for the said Duties, with Intent to defraud his Majesty of the same, the Persons so offending shall forfeit all such Coffee, &c. and treble the Value thereof: And in case any Person shall assault, oppose or hinder any Officer of the Customs, or for the Inland Duties, in the seizing of any Coffee, &c. which may be seized by Virtue of this or any other Act; or shall by Force and Violence rescue any of the said Commodities after Seizure, or break, destroy or damage any Vessel or Package wherein the same shall be contained, he shall for every such Offence forfeit 50*l.*

No Chocolate ready made, or Cocoa-Paste shall be imported into *Great Britain*, on pain of Forfeiture, together with double the Value, and the Bags, Casks, Boxes and other Package containing the same: And all Chocolate which shall be made here, shall be packed up in Papers of one Pound Weight each, and have a Mark or Stamp thereon; under the Penalty of 20*s.* for every Pound Weight found in any Person's Custody without such Mark, &c. and if any Person shall counterfeit any Mark, &c. he shall forfeit 500*l.* for every such Offence, and suffer twelve Months Imprisonment.

The Sellers of Coffee, Tea and Chocolate, and Coffee-house-keepers are to keep Accounts of small Quantities less than six Pounds by them daily sold or consumed, and the Totals shall be  
every

every Night set down in a Book, which is to be delivered on Oath. And no Coffee, Tea, &c. exceeding six Pounds Weight, shall be removed from any part of the Kingdom by Land or Water, without a Permit signed by one or more of the Officers for the Inland Duties, certifying the Names and Places of Abode of the Buyer and Seller, and expressing the Quantity and Species of the Commodity, and that the Inland Duties have been paid, or that the Cocoa-Nuts have been duly entered, &c. on pain of forfeiting the Coffee, &c. And in which Permits, the Officers who grant them, shall limit the time they shall continue in force.

All Coffee, Tea and Cocoa-Nuts imported, upon Entry thereof at the Custom-house, and paying or securing the several Subsidies and additional Imposts due thereon, shall be forthwith put into a Warehouse provided for that purpose; where the Importer may garble and separate it, to make the same merchantable: And the said Coffee, Tea and Cocoa-Nuts shall not be taken out of the said Warehouse, on any Account other than as is here mentioned, *viz.* such of the Coffee and Tea which shall be sold to be consumed in *Great Britain*, the Importer or Proprietor on its being delivered out shall make an Entry with the Receiver of the Inland Duties, &c. and pay the said Duties down in ready Money: And as to Cocoa-Nuts taken out, in order to be made into Chocolate in this Kingdom, an Entry shall be first made thereof by the Importer, &c. with the said Receiver or Collector of the Inland Duties, as a Charge on such Importer, and also on the Buyer, &c. And as for such part of the said Coffee, Tea and Cocoa-Nuts,

Nuts, as shall be intended for Exportation, it shall be delivered out upon sufficient Security given to the Crown, that the same shall be exported, and not re-landed in *Great Britain*, &c.

The Warehouse-keepers appointed by the Commissioners of the Customs, &c. shall keep a Book or Books, wherein they shall enter a true Account of all Coffee, Tea, &c. brought in and carried out of the Warehouses to which they belong; and shall transmit Accounts thereof to the Commissioners upon Oath, at the End of every six Months, or oftner if required: And if on examining such Accounts it shall appear that any Coffee, &c. has been unduly delivered out, the Warehouse-keepers and Officers offending therein, shall be disabled to hold any Office, and forfeit 100*l*. The Proprietor of such Coffee, &c. and Warehouse-keeper or Officer may each have a Lock and Key to every such Warehouse; and Warehouse-keepers and Officers for the Inland Duties are to attend at reasonable times.

It is declared, that the old Subsidy, the new Subsidy, the one third and two third Subsidies, and additional Impost, over and above the Inland Duties by this Act charged on Coffee and Tea imported, and upon Chocolate made in this Kingdom, shall by Law be still paid for Coffee, Tea and Cocoa-Nuts imported, and be raised in such manner, by such ways, and under such Penalties, with the Discounts, &c. as are mentioned in the several Acts which granted the said Subsidies and additional Impost; and all Powers, &c. therein contained, shall be executed as if this Act had never been made.

Tea imported from any Place within the Limits of the *East-India* Company's Charter, shall pay the old Subsidy of 12 *d.* in the Pound granted by 12 *Car. 2. c. 4.* according to the reduced Value thereof, after the Deduction of the Customs, and other Duties payable thereon at Importation, and other Deductions; and the other Subsidies and additional Imposts on Tea, are to be paid on importing it, according to such reduced Value in proportion. And all Coffee imported shall be rated at 7 *l.* for every hundred Weight; and Cocoa-Nuts at 50 *s.* for the like Weight; and the Subsidy at 12 *d. per* Pound, and further Subsidies and additional Impost shall be paid according to such Rates, and not according to the Value sworn.

Nothing in this Act shall extend to give any Power or Licence to any Persons, to import Tea into any of his Majesty's Dominions, but such only as could import the same, and in such manner as the same could be lawfully imported, before the making of this Act.

By the 11 *Geo. 1. c. 7.* it is enacted, that the Proviso's and Clauses in the Act of Tonnage and Poundage 12 *Car. 2. c. 4.* and in divers other subsequent Acts, relating to Goods and Merchandizes not particularly rated in the Book of Rates referred to in that Act, for ascertaining the Value of such Goods imported, according to the Oaths of the Importers, shall be repealed; and in lieu of the said Rates *ad valorem*, there shall be paid for the old Subsidy, the several Rates and Duties mentioned in one Book of Rates, intitled, *An additional Book of Rates of Goods and Merchandizes imported, &c.* The said Duties to be paid on the Importation of the said Goods into

any Port of this Kingdom; which Book of Rates, and every Article, Rule and Clause therein, shall, during the Continuance of the Act of Tonnage and Poundage, be of full force and put in Execution.

And where any of the Goods mentioned in the said Book of Rates are liable to the Payment of the further Subsidy, the one third Subsidy, the two thirds Subsidy, the additional Impost, the additional Duty on *French* Goods, and the further Duty on unrated Goods, or any of them, according to the respective Values set thereon for the old Subsidy, or in Proportion thereto; the same shall be paid in Proportion, according to the Value set thereupon in the said Book of Rates for the old Subsidy, and be collected in such manner, and by such ways, &c. as by the several Acts of Parliament granting them is directed. And the Value of such Goods and Merchandizes as may happen to be omitted to be rated in either of the said Books of Rates, shall be ascertained by the Oath or Affirmation of the Merchant, in the Presence of the Customer, Collector, &c. and the old Subsidy and other Duties for such Goods are to be paid according to such Value.

And the proper Officers of the Customs may open and examine Goods paying Duty *ad valorem*, and if they appear not to be valued according to the true Value and Price, the Goods may be warehoused for the Benefit of the Crown; and the Customer or Collector shall out of the Money in his Hands, pay the Importer the Value sworn to, with the Customs and Duties paid, and 10*l. per Cent.* over, taking a Receipt in full Satisfaction for the same; and then the Goods shall

shall be publickly sold, and out of the Produce thereof the Collector to be repaid, and the Overplus paid into the Exchequer towards the *Sinking Fund*.

The additional Duty of 20*l.* *per Cent.* of the true and real Value of Drugs imported, payable by virtue of the Act 10 *Ann. c.* 26. shall cease, determine and be no longer paid. And the new Duties of 20*l.* and 10*l.* *per Cent.* payable *ad valorem* on all Paper imported, by the Acts 10 *Ann. c.* 19. and 12 *Ann. c.* 9. shall be paid, over and above the Subsidies and other Duties on unrated Paper, according to the Rates and Values set upon the several kinds of Paper in the *additional Book of Rates*, signed by *Spencer Compton*, Esq; Speaker of the House of Commons.

And by the Rules and Orders annexed to this Book of Rates, it is ordained, that any of the Rates, &c. contained therein shall not extend to alter the Method prescribed by Law for ascertaining the Values upon such unrated Goods, Wares and Merchandizes imported, as are of the Growth, Product or Manufacture of the *East-Indies*, *China* or other Parts within the Limits of the Charters granted to the United Company of Merchants of *England* trading to the *East-Indies*: Or to the charging any Duty upon such Drugs or other Goods used in dying, which are to be imported Duty-free, by virtue of an Act made in the eighth Year of his present Majesty's Reign, on the Conditions therein mentioned, &c.

By 11 *Geo. 1. c.* 30. it shall and may be lawful for Officers of Excise to go on board Ships in any of the Ports, and search for Arrack, Rum,

Brandy, Strong Waters or other exciseable Liquors, and for Coffee, &c. in like manner as Officers of the Customs may do; and to seize all forfeited Commodities and Goods found unshipping or unshipped before due Entry, and without paying or securing the Duties upon Importation. And such Officers by special Warrant may search for Brandy, &c. fraudulently hid in any Place whatsoever; and Persons obstructing them shall forfeit 100*l.* for every Offence.

If any Person shall take out a Permit from the Officers for the Duty on Brandy, Arrack, &c. or Coffee, Tea and Chocolate, for removing any of them from one Place to another; and do not send away all the Commodities within the time limited; or in Default thereof, shall not before the Expiration of the said limited time, return the Permit; he shall forfeit treble the Value of such Commodities, &c. and if there does not appear a sufficient Decrease on Goods removed to answer the Removal, the Officer may seize the like Quantity of the Brandy, &c. not removed according to the Permit, for his Majesty's Use as forfeited.

Any Person that shall knowingly harbour, keep or conceal, or permit to be harboured, &c. any prohibited Goods or run Goods, Wares, Merchandizes or Commodities whatsoever, liable to any Duties of Customs, Excise and Inland Duties, whether he have or have not, or do not claim to have any Property or Interest in such Goods, &c. the Party so offending shall for every Offence forfeit all the said Goods, Wares, &c. and treble the Value: And the single Value and Worth of such forfeited Goods shall be taken to be

be according to and at the Rates and Prices, as the best Goods, &c. of the same Sorts, Kinds and Denominations shall at the time bear and sell for in *London*.

If any Persons offer to Sale any Goods, &c. which are prohibited, or that are or shall be pretended to have been run, all such Goods shall be forfeited, and may be seized by the Party to whom the same shall be so offered to Sale, or by any Officer of the Customs or Excise; and within twenty-four Hours in *London*, &c. or forty-eight Hours in any other Place, the Goods, &c. so seized, are to be secured in some Warehouse belonging to the Officers of the Customs, or lodged at the Excise Office, near the Place of Seizure: And every Person exposing such Goods, &c. to Sale, shall besides forfeiting the same, forfeit also the treble Value thereof. And all the like prohibited or run Goods so bought by any Person shall be likewise forfeited, and may be seized and taken from the Buyer, either by the Seller or any Officer of the Customs, &c. and secured as above; and such Buyer shall forfeit treble the Value of the Goods: But both the Buyer and Seller are not to be prosecuted for the same Goods and treble Value. If within one Month after any Seizure a Prosecution is not commenced by the Seizor, the Warehouse-keeper or Keeper of the Office of Excise, &c. may prosecute for the Forfeiture of the said Goods, &c.

No Tea shall be imported into this Kingdom from any other Place than the Place of its Growth, tho' the same may have been formerly exported from hence, or on any other Pretence whatsoever; on pain of Forfeiture of all

such Tea, one Moiety to the King, the other to the Seizor and Prosecutor. And no Dealer in Tea, or Manufacturer thereof shall counterfeit or adulterate any Tea with *Terra Japonica*, or any other Drugs; nor shall mix therewith any Leaves other than of Tea, &c. on pain of forfeiting the Tea so adulterated, &c. and the Sum of 100*l*.

By the Statute 12 *Geo.* 1. *c.* 26. it is ordained, that the new Duty imposed by the Act 8 *Ann.* *c.* 7. on Snuff imported shall cease; and all the Provisions and Clauses contained in any former Acts, so far as they relate to the ascertaining the Value of such Snuff according to the Importer's Oath, are repealed and made void. And all Snuff which shall be imported shall be rated to and pay the old Subsidy granted by the Act of Tonnage and Poundage 12 *Car.* *c.* 4. according to the Rates and Values herein after mentioned, (and not the Values sworn to or affirmed by the Importer,) *viz.* All Snuff imported in *British* Ships from any of the *British* Plantations in *America*, or any part of the *Spanish West-Indies*, shall be rated at 2*s.* 6*d.* for every Pound Weight; and Snuff imported from *Italy*, *Spain*, *Portugal*, and all other foreign Parts, except *France*, shall be rated at 5*s.* for every Pound Weight *Averdupois*: And the further Subsidy, &c. shall be paid according to the particular Value thereon for the said old Subsidy. Upon Exportation of any of the said sorts of Snuff, the Duties paid or secured for the same at Importation shall be drawn back and allowed to the Exporter, on a proper Debenture to be made forth, except the old Subsidy.

By the 12 Geo. 1. c. 28. on the Seizure of any foreign Goods, Tea, Coffee, Brandy, Rum, &c. for unlawful Importation or Non-payment of Duties, or for any other Cause of Forfeiture, the Commissioners of the Customs, Excise, &c. shall cause the same to be proceeded against according to the Laws in force, and after Condemnation to be publickly sold to the best Bidder, at such Places as they shall think proper. The Officer of the Customs, Excise or inland Duties, or other Person authorized, making such Seizure, shall for his Encouragement be allowed one third part of the full Sum arising from the publick Sale of all such Tea, Coffee, foreign Brandy, &c. free from Charges: And Tea as cannot be sold for 5s. the Pound Weight may be burnt or otherwise destroyed, and the Officer, &c. shall have a Reward not exceeding 1 s. 6d. *per* Pound for such Tea. But no Officer of the Customs or other Person shall be intitled to any Reward upon Seizure of any Goods by virtue of this Act, unless Notice thereof be given by him to the next Excise Officer in forty-eight Hours, &c.

Where any Goods shall be seized for not paying Duties or other Cause of Forfeiture, and any Dispute shall arise, whether the Customs, Excise or Inland Duties have been paid for the same, or they have been lawfully imported, or legally compounded for, or condemned, or concerning the Place from whence such Goods were brought; in such cases the Proof thereof shall lie on the Owner or Claimer of the Goods, and not on the Officer who shall seize the same. If any Officer of the Customs, Excise, &c. shall trade in Tea, Coffee, Brandy or other exciseable Liquors, he shall not only lose his Employment,

but also forfeit 50*l.* and be rendered incapable of any Place for the future.

All Tobacco seized for being prohibited or for Non-payment of Duty, shall after it is condemned be publickly sold; and the Officer, &c. making the Seizure, to be allowed a third part of the gross Sale thereof: And the Commissioners of the Customs may cause all such Tobacco as will not sell for the Duties to be burnt; and then the Officer seizing may be rewarded as they think proper, so as not to exceed 1*d.* *per* Pound Weight. Tobacco Stalks or Stems stripped from the Leaf are prohibited to be imported, and on Seizure and Condemnation the Commissioners of the Customs shall cause the same to be publickly burnt, and allow the Officer making the Seizure 1*d.* for every Pound of such Stalks or Stems so seized and condemned.

The Commissioners of the Customs may cause damaged Wines, as any Merchant shall refuse to pay or secure the Duties for, to be received into proper Warehouses; and instead of their being staved, spilt or otherwise destroyed by virtue of the Act 6 *Geo.* 1. *c.* 12. shall order them to be sold, to be distilled into Brandy or made into Vinegar; taking Security that such Wines be not used for any other purpose, &c. the Produce of which Sale shall be paid to the Merchant as a Compensation for the Freight, &c. not exceeding the Allowances given by 6 *Geo.* 1. And if there be an Overplus, the Commissioners shall cause the same to be replaced to the Duties, out of which the Charges for the keeping and selling the said Wines are or shall be paid. It shall be lawful for the said Commissioners to cause all Goods brought into the  
King's

King's Warehouses for Security of the Customs and other Duties thereon, that shall have remained there six Months, to be sold publickly, and the Produce applied as by the Act 12 Ann. c. 8. is directed.

No Drawback shall be allowed for Tobacco or other foreign Commodities, exported from *Great Britain* or *Ireland* to the *Isle of Man*: And no Tobacco, Wine, Brandy, *East-India* Goods or other Commodities, but such as are of the Growth or Manufacture of the *Isle of Man*, shall be brought from that Island into the Ports of *Great Britain* or *Ireland*; on pain of Forfeiture of such Goods, and the Vessel and Tackle, &c. wherein found; and every Person who shall take any such Commodities out of such Vessel, or carry the same on shore, or convey them from thence when landed, or be aiding and assisting therein, shall forfeit 100*l.* or suffer six Months Imprisonment.

If any Merchant or other Person shall enter any foreign Goods for Exportation to Parts beyond the Seas, other than to the *Isle of Man*, in order to obtain the Drawback for the same, and such Goods shall be carried to that Island and landed there, the Exporter shall forfeit the Drawback or the Amount thereof, as also the treble Value of the Goods; and the Master of the Vessel, on board of which such Goods shall be so shipped and landed, shall be liable to the same Penalties and Forfeitures, and also be imprisoned six Months without Bail.

It is declared lawful for any Searcher or other proper Officer of the Customs, after the Entry of any Goods whereon there is a Drawback, Bounty or Præmium, or of Goods prohibited to be

be worn here, or Pepper, and before or after the shipping the same, to open and strictly examine any Bale, Truss, Chest or other Package, and see if the Goods therein are rightly entered, as to the Sorts, Quantity, Value, &c. under such Cautions and Provisions as by 8 G. 1. c. 15. And if any Goods shall be shipped for Parts beyond the Seas without a Warrant, or without the Presence of an Officer of the Customs appointed for that purpose, all such Goods or their Value shall be forfeited; one Moiety to the Crown, the other to him that will seize or sue for the same.

By the Statute 1 Geo. 2. Sess. 2. c. 17. there having been of late great Quantities of Wines imported, mixed with and under Pretence of Lees, which were afterwards drawn off and sold as Wine; for Remedy of this Abuse it is enacted, that the several Subsidies, additional Impost and other Duties payable to the King upon the Importation of Wine-Lees shall cease and be no longer paid: And in lieu of the said former Duties, all Wine-Lees imported shall pay the same Subsidies, Impositions and other Duties as Wines, &c. And no Drawback is to be allowed for any Lees of Wine exported.

No Wines shall be imported into this Kingdom in Flasks or Bottles, or in any Vessel or Cask, containing less than 25 Gallons, upon pain of forfeiting the same or the Value thereof; one Moiety to the King, and the other to him who shall seize, inform or sue for the same by Action of Debt, &c. But this shall not extend to prohibit the Importation of Wines of the Growth of the Dominions of the Great Duke of *Tuscany* in open Flasks, or Wines of the Growth of *Turkey*, or any other part of the *Levant* Seas, in the  
same

same manner as they have heretofore usually been imported.

Where Certificates cannot be obtained of Custom-house Officers or Magistrates of Ports, &c. in Parts beyond the Seas, of the landing of Silks and Goods abroad, for which Allowances are to be made on exporting the same; the Bonds or Securities given on the Exportation of the said Goods shall be discharged and vacated, on Proof upon Oath of the Master or other Person having the Charge of the Ship during the Voyage, and also the Oath of the Exporter, that to the best of their Knowledge the Goods have been disposed of in foreign Parts at the Place mentioned in the Oath, &c. which Proof must be made within eighteen Months from the Date of the Bonds.

The Act 8 Geo. 1. c. 15. and 9 Geo. 1. c. 8. shall not be construed to make any Allowance on Exportation of any Manufactures of Stuffs mix'd with Silk, unless the Silk that shall be in the Warp, shall be obvious to the View of the Officer of the Customs; and the Silk therein used shall be double Value of the Bounty intended to be paid on the Exportation thereof.

*Lignum Vitæ* of the Growth or Product of the *British* Plantations in *America*, imported on the Conditions mentioned in the 8 Geo. 1. c. 12. shall be free from all Customs and Impositions whatsoever.

By the 2 Geo. 2. c. 28. several Clauses in the Act against the clandestine running of uncustomed Goods, &c. 5 Geo. 1. c. 11. and several Clauses in the 8 Geo. 1. c. 15. relating to the Encouragement of the Silk Manufactures of this Kingdom, and for taking off several Duties on Merchandizes exported,

exported, &c. are continued for a further time, to be in force and put in practice for the purposes in the said Acts mentioned.

And by this Act, if any Person arrested and imprisoned by virtue of any Writ of *Capias*, or Information relating to the Customs, shall make Affidavit that he is not worth, over and above his wearing Apparel, the Sum of 5*l.* and shall thereupon petition the Court wherein prosecuted to be admitted to defend himself against such Action or Information *in forma pauperis*, the Judges of the said Court shall admit him in such case, in the same manner and with the like Privileges, as they are by Law directed to admit poor Subjects to commence Actions for the Recovery of their Rights; and for that end Counsel and an Attorney, &c. shall be assigned him, to do their Duties without Fee or Reward.

By 4 *Geo. 2. c. 14.* any Officer of the Customs or Excise may seize Starch or Hair Powder with the Package, &c. that shall be found in any Ship or be carrying in any Carriage, where they have good reason to suspect the same hath been privately made, or clandestinely imported without Payment of Duty, or that it hath been exported and relanded, after the Duty had been repaid; and in an Information thereupon, if the Party doth not make it appear that the Duty hath been paid, &c. the said Starch and Hair Powder shall be forfeited, and the Person in whose Possession the same shall be found shall likewise forfeit 5*l.* for every hundred Weight.

If any Person shall import any Cocoa Nutshells, or Husks without the Nuts, it shall be lawful for his Majesty's Officers of the Customs, &c. to seize the same, together with the Bags, Boxes  
and

and other Package, and they shall be condemned according to Law, and be destroyed or disposed of as his Majesty's Commissioners of the Customs, Excise, &c. shall think fit, who are required to reward the Officer making the Seizure in any Sum not exceeding 20*s.* *per* hundred Weight, out of the Duties arising upon the Importation of Cocoa-Nuts, &c.

By the 4 *Geo.* 2. *c.* 27. any Persons may import into this Kingdom any Quantity of rough or undressed Flax, without paying any Duty for the same; so as Entry be made of it in the Custom-house, and the same be landed in the Presence of the proper Officer, and the Importation is according to the Act of Navigation, 12 *Car.* 2. *c.* 18. on Failure in which Conditions the Custom-Duties shall be paid.

There shall be allowed, over and above the Allowance already given, a further Reward of 1*d.* for every Ell of *British* made Sail-Cloth exported, to be paid out of the Money raised by the Duty laid on all foreign Sail-Cloth imported into *Great Britain*, by the Act 12 *Ann.* *c.* 16. And there shall not be allowed on the Re-exportation of foreign Sail-Cloth or any foreign made Sails, any Drawback of the Duties charged and paid on Importation thereof.

By 4 *Geo.* 2. *c.* 29. there shall be paid to every Person who shall export by way of Merchandize, any Gunpowder of the Manufacture of *Great Britain*, an Allowance of 4*s.* 6*d.* for every Barrel containing 100 Pounds neat Weight, which shall be paid by the Customer or Collector of the Port from whence the same is exported, out of any Money in his Hands arising from Customs, on a Debenture to be made forth according

cording to the Entry of such Gunpowder; and the shipping thereof to be verified by the Searcher, and Oath made by the Exporter that the said Gunpowder is of *British* Manufacture, and intended to be exported as Merchandize, and not for the Use of the Ship, and not intended to be relanded; the Exporter also giving Security to the Collector, in 5*l.* for each Barrel, that the Gunpowder so shipped shall not be relanded, &c.

And if any Gunpowder shipped to be exported, for which Allowance is hereby made, shall be relanded in any Port of *Great Britain*, contrary to the Intent and Meaning of this Act, without the Licence of one of the principal Officers of such Port first had; or unless in case of Distress to save the said Gunpowder from perishing, which shall be forthwith made known to one of the said Officers, the said Gunpowder, over and above the Penalty of the Bond, and treble the Value thereof, shall be forfeited.

By the Statute 5 *Geo. 2. c. 12.* the Justices of Peace for the several Counties within *England* and *Wales*, &c. wherein foreign Corn shall be imported, at their Quarter-Sessions shall give in Charge to the Grand Jury to make Presentment of the Market Prices of middling *English* Corn, of the sorts mentioned in the Act 22 *Car. 2. c. 13.* as commonly bought and sold in every such County: Which Presentment shall be certified by the Justices to his Majesty's chief Officer of the Customs, in every Port where such Corn shall be imported, and be hung up in the Custom-House; and the Duty of foreign Corn imported shall be paid according to the Prices contained in such Certificates. And no Warrant, Cocket, &c. shall  
be

be granted for carrying to Sea from any Port of *England* to any other Port within the same, any foreign Corn after the Importation thereof; and if any Persons shall so carry any such Corn, contrary to this Act, they shall forfeit 20*s.* for every Bushel, and also the Ship or Vessel, &c.

By the 5 *Geo. 2. c. 21.* the Commissioners of the Admiralty are to appoint three Sixth Rate Ships, and eight or more armed Sloops, to cruize on the Coast of *Great Britain* and *Ireland*, with orders for seizing all Vessels in which any Worsted, Bay or Woollen Yarn, or any Stuffs or Woollen Manufactures made up of or mixed with Wool or Wool-flocks, shall be exported from *Ireland* into foreign Parts; and a List of such Ships and Sloops, with the Names of the Commanders, and Copies of their Instructions shall be sent to the Commissioners of the Customs.

And the Commander of every such Ship and Sloop, within the Limits of his Station, may enter and search any Vessel; and if any of the said prohibited Commodities shall be found therein, and the Master shall not produce a lawful Cocket or Warrant, licensing the Exportation thereof, such Commander may seize the Vessel and carry the same with the Cargo into any Port of *Great Britain* or *Ireland*; where such Vessel with all her Tackle, and all the said prohibited Commodities therein shall be forfeited; and the Goods shall be lodged in the King's Warehouse in such Port into which the Vessel is carried, until they are condemned according to Law; after which they shall be sold, giving publick Notice in Writing affixed upon the Custom-house, by Inch of Candle to best Bidder.

And every such Vessel and all her Tackle shall after Condemnation be exposed to Sale in like manner; and one fourth part of the Produce of such Sale shall be to the Commander of the Ship or Sloop that shall make the Seizure; one fourth to the other Officers of such Ship or Sloop; one fourth to the Mariners; and the other fourth part to his Majesty, after a Deduction made out of the last fourth for the Charges of Prosecution.

If such Seizure shall be made upon the Information of any Person, the Informer shall not only be indemnified from the Forfeitures to which Exporters of the said prohibited Commodities are liable, but shall also receive one fifth part on such Sales; and then the Residue shall be divided into four parts, and distributed as before directed. And no Person shall be admitted to claim Property in any Seizure, till he shall first have given Security by Recognizance to answer the Penalties.

And this Act shall not extend or be construed to make void any other Penalties or Forfeitures inflicted by any former Law, upon the Exportation of Wool and Woollen Manufactures.

By 5 Geo. 2. c. 24. it is enacted, that Coffee of the Growth of the *British* Plantations in *America*, shall, instead of the Duty of 2s. *per* Pound, charged by 10 Geo. 1. c. 10. pay an inland Duty of 1s. 6d. *per* Pound Weight, and no more: And the Planter or his Agent is to make Oath of the Growth before shipping, which Oath shall be produced to the Collector, &c. by the Person who shall enter or ship the same; who is also to make Oath or Affirmation, that it is the same Coffee mentioned in the Planter's Oath; and the Collector shall deliver a Certificate thereof to the

the Master of the Ship, and he shall before clearing make Oath of the Receipt of such Coffee on board, and that he hath not nor will take on board his Ship any more Coffee before his Arrival in *Great Britain*: And then the Master shall produce all Certificates of such Affidavits to the Collector of the Customs, at the Port where his Ship shall unlade; and at the same time deliver a Certificate from the Custom Officers where the said Coffee was shipped, testifying the particular Quantities of such Coffee, and specifying the Package, Marks, Numbers, &c. and make Oath that the Coffee is the same mentioned in the Certificate, and that he did not take any more on board; and upon Entry of such Coffee at the Custom-house, and paying or securing the Duty, the Goods shall be marked, and lodged in proper Warehouses, &c.

This Statute, which is full fraught with Oaths, provides that if any Person shall falsly make any Oath or Affirmation, or shall forge or counterfeit any Certificate, &c. he shall forfeit 200 *l.* and in the first case be imprisoned twelve Months; one Moiety of the Forfeiture to be paid to his Majesty, and the other Moiety to the Person who shall sue for the same.

By the Statute 6 *Geo. 2. c. 7.* all Diamonds, Pearls, Rubies, Emeralds and other precious Stones and Jewels shall pass inwards without Warrant or Fee, in like manner as they now pass outwards, and free from the Payment of any Duty; and it shall be lawful for any Persons to import or export the same, in any Ship or Vessel whatsoever: Provided that nothing herein shall make void the Duty granted for the Use of the *East-India Company*, by the Act 9 & 10

*W. 3. c. 44.* for such Pearls, Diamonds and other precious Stones or Jewels, as shall be imported into this Kingdom from any Place within the Limits of their Charter, or take away or alter any Privileges or Advantages enjoyed by the said Company.

By the 6 *Geo. 2. c. 13.* no Sugars, Molasses, Rum, &c. of the Growth or Product of *America*, except of the *British* Plantations, may be imported into *Ireland*, but such only as shall be shipped in *Great Britain*, in Ships navigated according to Law, under the Penalty of forfeiting all such Sugars, &c. or the Value, and the Ship or Vessel, which may be seized by Warrant of any Magistrate or by any Custom-house Officer, &c. And Persons assisting in such unlawful Importation, or who shall receive into their Custody any such Commodities, knowing the same to be imported contrary to this Act, shall forfeit treble the Value of the Goods. If any Person shall hinder any Custom or Excise Officer, in the Execution of their Duty in seizing the said Commodities; or any such Officer shall connive at the Importation thereof, &c. in either case, 50*l.* Penalty is inflicted: And the Master of the Ship taking in any Sugar, &c. or permitting it, shall forfeit 100*l.*

In case any Sugar or Paneles of the Produce of any of the Colonies belonging to his Majesty, imported into *Great Britain*, shall at any time within one Year after the Importation be again exported, and due Proof made by Certificate from the proper Officers, of the Entry and Payment of the Duties charged upon Importation, together with the Oath of the Merchant or his Agent importing and exporting the same, the

Residue of the Duty charged thereon by any former Acts shall be repaid within one Month. And for every hundred Weight of Sugar refined in *Great Britain*, which shall be exported, there shall be repaid at the Custom-house to the Exporter, over and above the several Sums of 3*s.* and 1*s.* *per* Hundred, payable by the 9 & 10 *W.* 3. *c.* 23. & 2 & 3 *Ann.* *c.* 9. the further Sum of 2*s.* Oath being made by the Refiner, that the Sugar so exported was produced from Brown and Muscovado Sugar, and as he believes imported from some of the Plantations belonging to the Crown of *Great Britain*; and that the Duty was paid at importing it, and the same was duly exported, his Majesty's Searcher also certifying the shipping thereof.

The Expence of prosecuting any Offence against this Act in the above-mentioned cases, shall be paid and born out of the Shares of the Forfeitures given to his Majesty on any Seizure, &c. But nothing herein contained shall restrain the Importation of Sugars of the Product of any of the Dominions of *Spain* or *Portugal*, from Places from whence such Sugars might have been lawfully imported before the making of this Act.

By 6 *Geo.* 2. *c.* 17. the Duty of 30*l.* *per* Ton on *French* Brandy of single Proof, and 60*l.* on such Brandy of double Proof, granted by 7 & 8 *W.* 3. *c.* 20. shall cease; in lieu of which there shall be paid to his Majesty, over and above the other Duties payable for the same, a Duty of \* *Ex-*

---

\* *Note*, this Act 6 *Geo.* 2. *c.* 17. laying a Duty of *Excise* on imported Brandy, and 10 *Geo.* 1. *c.* 10. granting *Inland Duties* on Coffee, Tea, &c. and the 11 *Geo.* 1. *c.* 30. seem to be leading Acts to a *General Excise* on Wines and Merchandize.

cise of 1 s. for every Gallon of single Brandy imported, and 2 s. *per* Gallon for double Brandy; to be paid by the Importer before landing, and collected in the same manner, &c. as the Duties of Excise.

On the Exportation of Spirits drawn from Corn in *Great Britain*, without any Mixture with other Materials, and on Oath made thereof, and of Payment of the Duties, and that the same are exported for Merchandize to be spent beyond the Seas; upon producing a Certificate under the hands of the Officers of Excise for the Port where such Spirits were shipped, of the Quantity so shipped, and its being done in their Presence, &c. the Persons exporting the same shall be allowed by the Commissioners of Excise, or their Collector for the Place where such Spirits shall be shipped off, the Sum of 4 l. 18 s. for every Ton, in full of all Bounty, except what is payable at the Custom-house. And for every Ton of Spirits drawn from Barley, Malt or other Corn there shall be paid to the Exporter, by the Commissioners of his Majesty's Customs, when Barley is at 24 s. *per* Quarter or under, upon Proof of the Exportation, the Sum of 1 l. 10 s. as if the like Quantity of Barley, &c. had been exported according to the Act 1 W. & M. c. 12.

The Duties on Rum and Spirits of the Growth or Manufacture of the *British* Plantations in *America* are not altered by this Act: And for securing the due Execution of the several Acts and Provisions therein for preventing the running of Brandies, it is enacted, that when any Officer of the Customs shall neglect to seize and prosecute any Vessel, Horses or Carriage which shall be forfeited

feited for such Causes, such Officer being convicted thereof shall forfeit 50*l.* for every Neglect, one Moiety to the King, and the other to the Informer, to be levied by Distress and Sale of his Goods, by Warrant of a Justice of Peace, &c.

And by 7 *Geo. 2. c. 14.* the same Subsidies, Duties and Excise payable upon foreign Brandy and Spirits imported shall be paid for Arrack imported from any of his Majesty's Colonies in the *East-Indies*, and the like Allowance shall be made on the Exportation thereof: The said Duties and Excise upon Arrack to be raised as the Duties on Brandy or other foreign Spirits; and the Commissioners of the Customs and Commissioners of the Excise shall pay the Monies that they shall receive of the said Duties into the Exchequer, distinct from all other Branches of the Revenues.

By the 7 *Geo. 2. c. 18. & 19.* a former Act for the free Importation of Cochineal is revived; and it shall be lawful for any Persons to import into this Kingdom, in any Ship or Vessel belonging to *Great Britain*, or to any State in Amity with his Majesty, from any Place whatsoever, Indico of all sorts. If any foreign Hops shall be landed in *Great Britain* before Entry made at the Custom-house, and the Duties paid, or without a Warrant signed by the proper Officer of the Customs; or if any Hops, other than of *British* Growth, shall be landed in *Ireland*, all such Hops shall be burnt within ten Days after the same are condemned, and the Ship forfeited; and the Persons concerned in importing them shall forfeit 5*s.* for every Pound Weight. And Persons mixing with Hops any other thing to alter the Colour or Scent, either in *Great Britain* or *Ireland*, are liable to a

Forfeiture of 5 *l.* for every hundred Weight thereof; one Moiety of the said Penalties shall be to his Majesty, and the other Moiety to him that will sue for the same.

By 8 *Geo.* 2. *c.* 21. the several Clauses in the Act 5 *Geo.* 1. *c.* 11. against clandestine running uncustomed Goods, and for preventing Frauds in the Customs, &c. relating to foreign Goods and Merchandizes taken at Sea, in order to be landed or put into any other Ship or Vessel; and relating to Goods not reported, found after clearing Ships; and against relanding Goods prohibited to be worn in this Kingdom, and foreign Goods shipped for Parts beyond the Seas; and relating to the opening or altering the Package of Goods on board Ships outward bound; and relating to Ships hovering on the Coasts, of fifty Tons or under; and also concerning the Package in which Coffee shall be exported; and relating to Rum imported in Casks not containing twenty Gallons at least; and relating to Certificate Goods to be exported to *Ireland*; shall be further continued until the Year 1742. And the Act 8 *Geo.* 1. *c.* 18. to prevent running of Goods, &c. is also continued to the like time.

By the Statute 9 *Geo.* 2. *c.* 35. all Subjects of *Great Britain* who before this Act incurred any Penalty for clandestine running of prohibited Goods, or any foreign Goods liable to Customs and Excise, or for making any false Report or Entry of any Ship, inwards or outwards, or for breaking Bulk before Report made, or for altering the Package of any Goods, or for landing Goods without the Presence of an Officer, or destroying them after Seizure, and any Persons who have beat or hindred any Officer of the Customs

Customs or Excise in the Execution of their Duty, or that have given or offered any Bribe to any such Officer, and all Persons aiding and assisting in the committing any of the said Offences shall be indemnified from all Penalties and Forfeitures: And the Persons so indemnified shall discharge all Proceedings by them against Officers of the Customs, &c.

But every Person and Persons who shall take the Benefit of this Act, and shall afterwards commit any of the Offences before mentioned, or that are herein after mentioned, shall be subject to be prosecuted not only for such new Offence, but also for the Offences committed before this Act; and if for any former Offence the Person is liable to be transported, and he shall afterwards commit any of the Offences for which he is now to be transported, such Person shall suffer Death as in cases of Felony without Benefit of Clergy. And this Act shall not discharge any Judgment that is actually levied, and the Monies or Things recovered taken in Execution; nor any Judgment in respect to such part thereof as belongs to the Informer, until he is paid the Costs of such Suit.

And all Persons that have compounded with the Commissioners of the Treasury, or any of the Barons of the Exchequer, or Commissioners of the Customs or Excise, for or in respect of the above-mentioned Offences, or the Forfeitures or Penalties arising thereby, shall make good such Compositions, or in Default thereof shall be excluded from all Benefit and Advantage of this Act; except out of this Act all Seizures of Goods, Ships, Vessels, Horses, &c. forfeited by any Law relating to the Customs or Excise; and also all Customs and Sums of Money due upon lawful

Importation of Goods, and Debts on Bond or other Contract; and all Debts and Demands due to his Majesty on Account of Debentures or Certificates wrongfully obtained, or become void by relanding of the Goods; and all other Debts and Demands for Customs, Excise and other Duties concerning which there is any Action or Prosecution now depending.

If any Persons, to the Number of three or more, are or have been assembled near the Sea-Coasts and Shores of navigable Rivers, or in any other Parts, for running of uncustomed Goods, armed with Fire-Arms or other offensive Weapons, upon Information thereof on Oath before any Justice of the Peace, he shall grant his Warrant to the Constables and Peace-Officers to take to their Assistance as many Persons as may be thought necessary, for apprehending every Person against whom such Information shall be given; and being apprehended, the Justice upon due Examination, if he find Cause, may commit the Offenders to the next County Gaol, there to remain without Bail until they be discharged by Law: And every such Offender, on Proof of his being assembled and armed, in order to be assisting in the clandestine running prohibited or uncustomed Goods, and upon Conviction for such Offence shall be adjudged guilty of Felony, and be transported for seven Years as a Felon. And any Person who shall apprehend any Offender, so as he be convicted of the Offence, shall have 50*l.* Reward.

All Persons who, to the Number of two or more in Company, shall be found passing within five Miles from the Sea-Coasts or of any navigable River, with Horse or Carriage, whereon  
there

there shall be laden more than six Pounds of Tea, or Brandy exceeding five Gallons, not having paid the Duties and not having Permits for the same; or any other foreign Goods above the Value of 30*l.* landed without due Entry and Payment of Duties, and shall carry any offensive Weapons, or wear any Mask or other Disguise, or shall forcibly resist any Officers of the Customs or Excise in the Execution of their Office, shall be taken to be Runners of Goods, within the Act 8 *Geo. 1. c. 18.* And all and every Person and Persons convicted of any of the said Offences shall be guilty of Felony, and be transported as Felons for seven Years.

And all the Goods, Wares and Merchandizes so found, and Arms of such Persons, and the Furniture to their Horses and Carriages, and Package of all Goods shall be forfeited. And if any Officer of the Customs or Excise, or other Person, (who being hindered, may oppose force to force by the same Methods that are violently used against them) shall be maimed or dangerously wounded, by any Offenders herein last mentioned, in executing his Office or apprehending the said Offenders; such Officers and Persons so maimed and wounded shall have 50*l.* over and above any other Reward; and in case any Person be killed in the apprehending such an Offender, the Executors or Administrators of the Person killed (on Certificate of the Fact by the Justice of Assize for the County or two next Justices of Peace) shall have and receive 50*l.* above any other Reward. And if any Person shall, within three Months after any of the said Offences shall have been committed, discover to the Commissioners of the Customs or Excise  
any

any Person guilty of such Offence, so as he be convicted thereof, such Discoverer shall have 50*l.* for every Offender so convicted, &c. The Rewards to be paid by the Receiver General or Cashier of the Customs and Excise, out of any publick Money in their Hands, by order of the Commissioners, and upon producing the proper Certificates from the Judge of the Offender's Conviction, &c.

On Information before one of his Majesty's Justices of Peace, that any Persons are lurking, waiting or loitering within five Miles of the Sea-Coast or any navigable River, and that there is reason to suspect they wait with Intent to be aiding in running Goods, it shall be lawful for such Justice to cause the Persons to be brought before him, and to grant Warrants for taking them up; and if such Persons shall not give a satisfactory Account of themselves, or make it appear that they are not concerned in carrying on any fraudulent Trade, and are not at such Place with any Intent to carry on the said clandestine Practices; every Person not giving such Satisfaction to the Justice shall be committed to the House of Correction, to be whipt and kept to hard Labour for any time not exceeding one Month; and the Commissioners of the Customs or Excise shall cause to be paid to the Person informing of such Offender, a Reward of 20*s.* for every one so taken.

And if any Person shall offer any Tea, Brandy or other Spirits to Sale not having a Permit; or if any Hawker or Pedlar shall offer such Tea, Brandy, &c. to Sale, altho' he have a Permit; it is declared to be lawful for every Person to whom the same shall be so offered to Sale, to stop such

such Tea, Brandy or Spirits, and carry the same to the next Warehouse belonging to the Customs or Excise, and to bring the Person offering it to be sold before a Justice of Peace, to be committed to Prison, and prosecuted for the Penalties incurred for such Offence; which may be done in the Name of the Person who stopped the Goods, as if they had been seized by any Officer; and after Condemnation of the Goods, the Persons seizing the same shall be intitled to one third part of the gross Produce of the Sale of the said Goods; and in the mean time, if it be desired, the Commissioners may cause 1*s.* for every Pound of Tea, and 1*s.* for every Gallon of Brandy so seized, to be paid to such Persons.

In case any foreign Goods shall by any Vessel be taken in at Sea within four Leagues from the Coasts of this Kingdom, without Payment of the Custom-Duties, (unless in case of Necessity or for some other lawful reason, of which Proof is to be made) such Goods shall be forfeited; and the Master of the Ship taking in the same, and all Persons concerned in the unshipping or receiving of the said Goods, shall forfeit treble the Value; and the Vessel into which such Goods shall be unshipped shall also be forfeited, if not exceeding the Burthen of one hundred Tons. And all Watermen, Carmen, Porters, &c. employed in carrying Goods and Merchandizes run or clandestinely imported, in whose Custody the same shall be knowingly, and who shall be thereof lawfully convicted before one Justice of Peace, shall forfeit treble the Value of such Goods; or be committed to the House of Correction, and whipt and kept to hard Labour for three Months.

Where

Where any Vessel coming from foreign Parts, and having on board six Pounds of Tea or any foreign Brandy or other Spirits, in Casks under sixty Gallons (except for the Use of the Seamen, not exceeding two Gallons for each Man) shall be found at Anchor or hovering within the Limits of any of the Ports of this Kingdom, or within two Leagues of the Shore, or shall be discovered to have been within the Limits of any such Port, and not proceeding in her Voyage, Wind and Weather permitting, (and cases of Necessity excepted) all such Tea, Brandy and Spirits, together with the Package or the Value shall be forfeited, and the same may be seized and prosecuted or the Value sued for, by any Officer of the Customs or Excise.

It shall be lawful for any Officer of the Customs or Excise (producing his Warrant or Deputation, if required) to go on board any coasting Ship within the Limits of the Ports, and to rummage and search the Cabbin and all other parts of such Ships for prohibited and uncustomed Goods, and to stay on board during the time they shall continue in the Limits of any such Port; and if any Person shall hinder any Officer of the Customs, &c. in going or remaining on board any such coasting Ship or in the searching thereof, such Person shall forfeit 100*l*. Also if any Officer of the Customs or Excise, being on board any Vessel within the Limits of any Port, be with Force opposed, obstructed, wounded or beaten in the Execution of his or their Office, every Person so opposing, obstructing, wounding and beating the said Officers, and all such as shall act in their Assistance, shall, by order of the Court before whom such Offenders shall be convicted,

victed, be transported for such Term as the said Court shall think fit, not exceeding seven Years; and if any such Offenders return into *Great Britain* or *Ireland* before the Expiration of the Term, they shall suffer as Felons without Benefit of Clergy.

All Goods found concealed on board any Ship, after the Master shall have made his Report at the Custom-house, and not mentioned in the said Report, shall be forfeited, and may be seized by any Officer of the Customs; and the Master or other Person having the Charge of such Ship, in case it appears that he was any ways privy to such Fraud or Concealment shall forfeit treble the Value of the Goods so concealed. And if any Person or Persons shall offer any Bribe to any Officer of the Customs or Excise, to do any Act whereby his Majesty might be defrauded in his Revenues, such Persons shall for every such Offence (whether the same Offer shall be accepted or not) forfeit the Sum of 50*l*.

The Forfeitures in this Act, not otherwise directed and provided, may be sued for in any of his Majesty's Courts of Record at *Westminster*; and one Moiety of the said Forfeitures shall be to his Majesty, and the other Moiety to such Person as shall inform, prosecute or sue for the same. Where any Process shall issue against Persons prosecuted, the Sheriff, &c. having the Execution thereof, on Request of the known Solicitors for the Customs or Excise in Writing upon the back of the Process, shall grant special Warrants to Persons named for apprehending the Offenders.

And any Indictment or Information for any Assault made upon any of the Officers of the Customs

Customs or Excise, may be inquired of, tried and determined in any County of *England*, &c.

By the 9 *Geo. 2. c. 37.* all foreign made Sail-Cloth entered as *Holland's Duck*, or *Vitry Canvas* fit for Sails, which shall be imported, and for which any Duties are payable, shall be stamped at the time of the landing thereof at or in the Port where the same shall be imported or landed: The Commissioners of the Customs to provide Stamps, with which every Piece of foreign Sail-Cloth after the Duty paid is to be stamped, expressing the Country from whence the same was imported, &c. If any Person shall counterfeit any such Stamp, he shall be liable to the Penalty of 50*l.* The like Penalty is inflicted on Persons exposing to Sale such foreign Sail-Cloth with a counterfeited Stamp, knowing the same to be counterfeit. And no Person shall make into Sails or Tarpawlines any foreign made Sail-Cloth imported not stamped, on pain of forfeiting such Sails and Tarpawlines, and also 20*l.*

And every Ship or Vessel which shall be built in *Great Britain* or in any of his Majesty's Plantations in *America*, shall upon her first setting out and being navigated at Sea, have one compleat Set of Sails made of Sail-Cloth manufactured in this Kingdom; and in case such Ship or Vessel shall not be fitted and furnished as aforesaid, the Master shall forfeit 50*l.* one Moiety to the King, and the other to the Person suing for it by Action of Debt, &c.

By the 10 *Geo. 2. c. 30.* it is enacted, that in lieu of the former Duties payable *ad valorem* for all Oysters imported from *France*, such Oysters shall be rated at 7*d.* per Bushel, Strike Measure, accord-

according to the *Winchester* Corn Bushel; and shall pay the old Subsidy granted by the Act 12 Car. 2. &c. according to that Rate. By 10 Geo. 2. c. 27: the Statute 4 Geo. 2. for granting an Allowance upon the Exportation of *British* made Gunpowder is further continued: There shall not be allowed on the Re-exportation of foreign Paper, any Drawback of the Customs paid on Importation. And this Act grants a Duty upon all Apples imported into *Great Britain*, (over and above the Duties already imposed thereon) of 2 s. *per* Bushel, to be paid in ready Money before landing thereof.

And by 10 Geo. 2. c. 17. a Duty is granted on Sweets or made Wines made in *Great Britain* for Sale, from foreign or *British* Fruit and Sugar, or from Fruit and Sugar mixed with other Ingredients, 12 s. for every Barrel, to be under the Management of the Commissioners of Excise: The Makers of these Wines for Sale are to enter the Places made use of, &c. on pain of forfeiting 20 l. And Persons retailing such made Wines are to be licensed by two Justices of Peace, &c. This Act shall not extend to Wines produced from *British* Vineyards.

An Act made 10 Geo. 2. lays an additional Duty of two Shillings *per* Bushel upon all Apples which shall be imported or brought into this Kingdom over and above all Customs, Subsidies and Duties before then imposed thereon;

And continues the Act 4 Geo. 2. for granting an Allowance upon the Exportation of *British* made Gunpowder for seven Years;

And enacts, that there shall not be allowed on the Re-exportation of any foreign Paper any Drawback or Repayment of any of the Customs

or Duties paid on the Importation thereof into this Kingdom.

An Act 13 *Geo.* 2. continues so much of an Act passed in the 2 *Geo.* 2. for better Preservation of his Majesty's Woods in *America*, and for the Encouragement of the Importation of Naval Stores from thence, &c. as relates to the Præmiums upon Masts; Yards and Bow-sprits, Tar, Pitch and Turpentine for thirteen Years;

And continues an Act passed in the 9 *Geo.* 2. for further encouraging and regulating the Manufacture of *British* Sail-Cloth, and for the more effectual securing the Duties now payable on foreign Sail-Cloth imported into this Kingdom, to the 25 *December* 1750.

And continues an Act made in the 6 *Geo.* 2. for the further Encouragement of the Whale Fishery to 25 *December* 1750, with an additional Allowance of 10*s.* per Ton, during the then present War, over and above the Allowance of 20*s.* per Ton by the said Act directed to be paid.

An Act made 15 & 16 *Geo.* 2. impowers the Importers or Proprietors of Rum or Spirits of the *British* Sugar Plantations, to land and lodge the same in Warehouses at their own Expence, before Payment of the Duties of Excise charged thereon.

An Act made 15 & 16 *Geo.* 2. for granting to his Majesty an additional Duty on foreign Cambricks imported into *Great Britain*, and for allowing thereof a Bounty upon certain Species of *British* and *Irish* Linens exported, enacts, that over and above all Subsidies, Duties, Impositions and Payments already payable to his Majesty, for such foreign Cambricks which shall be imported into *Great Britain*, there shall be collected  
and

and paid a further Duty of 1*s.* 5*d.* on every half Piece of foreign Cambrick, and 2*s.* 10*d.* for every whole Piece; and out of the said additional Duty gives a Bounty of one Penny for every Yard of *British* and *Irish* Linens made of Hemp or Flax of the Value of 6*d.* per Yard, and not exceeding the Value of 12*d.* per Yard, and of one Half-penny for every Yard of such Linens under the Value of 6*d.* per Yard, which shall be exported out of *Great Britain* within the Term of seven Years from the 25 *March* 1743, to *Africa*, *America* or *Portugal*, or to *Spain*. But this Bounty is not to be paid unless the Exporter usually resides in *Great Britain*.

An Act 15 & 16 *Geo.* 2. continues the Act made in the 5 *Geo.* 1. against clandestine running of uncustomed Goods, and for the more effectual preventing of Frauds relating to the Customs, and the Act made in the 8 *Geo.* 1. to prevent the clandestine running of Goods, &c. to the 1 *June* 1747.

An Act made in the 15 & 16 *Geo.* 2. continues the several Laws for the Encouragement of making of Sail-Cloth in *Great Britain*, and of the Silk Manufactures of this Kingdom, and for allowing a Drawback on the Exportation of Copper Bars imported, to the 1 *June* 1747.

By an Act made in the 17 *Geo.* 2. for repealing the Duties payable upon Glass Beads, and for granting other Duties in lieu thereof, and for allowing the same Drawbacks on the Exportation of refined Borax and Camphire which are allowed on the Exportation of unrefined Borax and Camphire, and for preventing the fraudulent Exportation of *Irish* Linens for the sake of the Bounty allowed by an Act made in the 15 & 16

*Geo. 2.* it is enacted, that the Duties on Glass Beads which shall be imported after the 4th *June* 1744. shall cease and determine, and that in lieu thereof there shall be paid for all Glass Beads imported into *Great Britain*, whether plain or manufactured, mixed or coloured, the same Subsidies, Impositions and Duties as are payable for great Bugles imported, with the like Discounts and Allowances on Importation, and the same Drawbacks on Exportation and under the same Penalties and Forfeitures, but that this Act shall not be construed to extend to lessen or alter the Rates or Duties on small or seed Bugle;

And that all Borax and all Camphire which shall be refined in *Great Britain*, upon Oath made by the Refiner thereof, that the said Borax and Camphire entered for Exportation were produced from the very same Borax and Camphire which had been imported into *Great Britain* unrefined, and for which the Customs and Duties had been duly paid at the time of the Importation thereof, and that the same were duly exported, the Searcher also certifying the shipping thereof, and all other Requisites being duly performed, shall be entitled unto and have the same Drawback of all the several Duties as a like Quantity of unrefined Camphire is now by Law entitled to;

And that when the proper Officers of the Customs have viewed and examined any such Linnens as shall be entered at the Value of 12 *d. per* Yard or under, if it shall appear that such Linnen is of greater Value, the Exporter shall on Demand made in writing, deliver all such Goods into his Majesty's Warehouse at the Port of Exportation, for the Use and Benefit of the Crown,

and shall receive 13*d.* per Yard for the same; and if he refuse to deliver such Linen and to receive the 13*d.* per Yard in full Satisfaction for the same; or if the Linens shall be less in Quantity than what is expressed in the Endorsement on the Cocket; or if the same are entered under a wrong Denomination; that then in every such Case all such Linens shall be forfeited and lost; and may be seized by any Officer of the Customs.

An Act made in the 18 *Geo.* 2. for granting to his Majesty several additional Duties upon all Wines imported into *Great Britain*, &c. enacts, that from and after the 25 *March* 1745; over and above all Subsidies of Tonnage and Poundage, and all other Subsidies, additional Duties and Impositions whatsoever due or payable for all Wines and Vinegar imported into *Great Britain*, by any Acts of Parliament now in force, there shall be raised, levied and collected the additional Impositions, Rates or Duties following; without any Discount inwards or Drawback on Re-exportation afterwards; for every Ton of *French* Wine and *French* Vinegar which shall be imported into this Kingdom the Sum of 8*l.* and for every Ton of all other Wines and Vinegar the Sum of 4*l.* and in the same Proportion for any greater or lesser Quantity; but it is provided that this Act shall not extend to lay any further Duties upon damaged or unmerchantable Wines.

An Act made in the 18 *Geo.* 2. for repealing the Inland Duty of 4*s.* per Pound Weight upon all Tea sold in *Great Britain* imposed by an Act of the 10 *Geo.* 1. and for granting to his Majesty certain other Inland Duties in lieu thereof,

enacts, that from and after the 24th Day of *June* 1745, in lieu of the Duty by this Act repealed, 1*s.* *per* Pound Weight Averdupois, and in that Proportion for a greater or lesser Quantity, and also a further Duty of 2*5**l.* for every hundred Pounds of the gross Price at which such Teas shall be sold at the publick Sales of the united Company of Merchants of *England* trading to the *East-Indies*, over and above all Customs, Subsidies and Duties upon the Importation thereof, shall be paid down in ready Money by the Proprietor or Proprietors of such Tea to the Receiver or Collector of the Inland Duties, before it shall be taken out of the Warehouse or Warehouses wherein it was lodged for any Purpose whatsoever, according to the Directions of the said recited Act.

And it is further enacted, that no Drawback whatsoever shall be allowed or paid for any Tea which shall be exported or shipped to be exported at any time or times after the said 24th Day of *June* 1745, and that no Debenture or Certificate shall be granted or made forth for or in order to the Repayment or drawing back of the Duties upon any such Tea so exported or shipped to be exported, but that such Drawback or Repayment shall from thenceforth cease, determine and be no longer paid.

And the said united Company of Merchants of *England* trading to the *East-Indies*, and their Successors may, that they may always have a Quantity of Tea sufficient to answer the Consumption thereof in *Great Britain*, import into *Great Britain*, in *British* Ships navigated according to Law, such Quantities of Tea as they shall think necessary from any Parts of *Europe*, sub-  
ject

ject to the several Duties payable for Tea consumed in *Great Britain*, and also to the same Rules, Methods and Directions as are prescribed and given with respect to Tea imported by them from the *East-Indies*, so as notice be first given of the Quantity of Tea intended to be imported, with the Name of the Ship and Master in which the same is to be laden, to the Commissioners of his Majesty's Treasury or the High Treasurer for the time being, and a Licence taken under their Hands, or any three or more of them, for the lading and importing thereof as aforesaid.

And if the said Company shall at any time neglect to keep this Market supplied with a sufficient Quantity of Tea, at reasonable Prices, to answer the Consumption thereof in *Great Britain*, it shall and may be lawful to and for the said Commissioners, or any three or more of them, or the said High Treasurer for the time being, to grant Licences to any other Person or Persons, Body or Bodies Politick or Corporate, to import Tea into *Great Britain* from any Parts of *Europe*, in such and the like manner, and subject to such Duties and under such Restrictions and Limitations as are herein before prescribed and directed: Provided always that all Tea imported into *Great Britain* from any part of *Europe*, after the said 24th June 1745, by the Company or any other Person or Persons, or Bodies Politick or Corporate, shall be entered at the Custom-house, and pay or secure the several Subsidies and additional Impositions now chargeable upon all Teas imported by the Company from the *East-Indies*.

An Act made in the 18 *Geo.* 2. for prohibiting the wearing and Importation of Cambricks and *French* Lawns enacts, that no Cambrick or *French* Lawn shall be worn under the Penalty of 5*l.* for every Offence after the 24 *June* 1748, that Sellers of Cambricks or *French* Lawns shall forfeit 5*l.* that if any Person be prosecuted for wearing Cambricks or *French* Lawns, and shall upon Oath discover the Seller, he shall be discharged of the Penalty, and the Seller shall be liable thereto, That after the 10th *May* 1745, no Cambricks, &c. shall be imported till Proof be made that they are the Property of the Importer or some of his Majesty's Subjects: That after the 1st of *August* 1745, no Cambricks, &c. shall be imported without Proof that they were shipped for direct Importation before the said Day; that it shall be lawful to import into any part of *Great Britain*, after the 1st *August* 1746, any Cambricks, *French* Lawns or other Linen whatsoever under those Denominations, upon Proof that they are the Importers or other Subject's Property, and Security to be given that they shall be exported within the Term of three Years after the Entry of the same.

An Act made in the 20 *Geo.* 2. continues so much of an Act 12 *Geo.* 2. for prohibiting the Importation of Books reprinted abroad, &c. as relates to the prohibiting the Importation of Books reprinted abroad, and first composed or written and printed in *Great Britain*, till the 29 *September* 1754;

And continues several Clauses in the Act made the 5 *Geo.* 1. against clandestine running of uncustomed Goods, and for the more effectual preventing of Frauds relating to the Customs, which relate

relate to such foreign Goods, Wares and Merchandizes as shall be taken at Sea out of any Ship or Vessel, in order to be landed or put into any other Ship, Vessel or Boat, and to Goods not reported and found after clearing Ships; and whereby further Remedies are provided against relanding Goods prohibited to be worn in this Kingdom, and foreign Goods shipped out for Parts beyond the Seas; and to the opening or altering the Package of Goods on board Ships outward-bound; and to hovering Ships or Vessels of the Burthen of 50 Tons or under; and the Bales or Package in which Coffee shall be exported; and to Rum imported in Casks or Vessels not containing twenty Gallons at least; and to certificate Goods entered in order to be exported to *Ireland*; which said several Clauses have been continued from time to time, and are further continued till the 1st *June* 1754;

And continues an Act made in the 8 *Geo. 1.* to prevent the clandestine running of Goods, &c. (except so much of the same Act as relates to Ships or Vessels performing Quarantine) which has been continued from time to time, till the 1st *June* 1754;

And continues an Act made in the 7 *Geo. 2.* for the Revival of an Act made in the 13 *Geo. 1.* entitled an Act for the free Importation of Cochineal and Indigo, which has been continued from time to time, till the 1st *June* 1754.

An Act made in the 20 *Geo. 2.* continues the Act 12 *Anne* for the better Encouragement of the making of Sail-Cloth in *Great Britain*, which has been continued from time to time, till the 1st *June* 1754;

And several Clauses in the Act 8 *Geo. 1.* for the Encouragement of the Silk Manufactures of this Kingdom, and for taking off several Duties on Merchandizes exported, and for reducing the Duty upon Beaver-Skins, Pepper, Mace, Cloves and Nutmegs imported, and for Importation of all Firs of the Product of the *British* Plantations into this Kingdom only, &c. which have been continued from time to time, till the 1st *June* 1754.

By *Stat. 21 Geo. 2. c. 2.* over and above all Subsidies of Tonnage and Poundage, and all additional Duties, &c. already payable, a further Subsidy of Poundage of 12*d.* in the Pound shall be paid upon all manner of Goods or Merchandizes by the Importer before the landing thereof, according to the several particular Rates and Values of the same Goods, &c. as the same are now rated and valued in the respective Books of Rates, &c. and so after that Rate or Value, or which now do pay any Duty *ad valorem*.

All Goods and Merchandizes imported by the *East-India* Company, which are not rated by any Act of Parliament, shall pay the said Subsidy of 5*l. per Cent.* on the gross Price for which the Goods shall be sold at the Candle.

This Act shall not extend to any Goods which are now allowed to be imported Duty free, nor to any prohibited Goods which are allowed to be imported by the *East-India* Company. The Importers of Tobacco shall, upon paying the said Subsidy, have the same Allowance with respect to this Subsidy as they are entitled to upon Tobacco imported; but if the said Subsidy be not paid down, then the Importer is to give Security for Payment of the said Duty.

Where

Where any Goods that have paid the said Subsidy shall be again exported within three Years, the said Subsidy shall be repaid, except for Goods, as by any former Statute it is declared no Draw-back shall be paid.

For every hundred Weight of Sugar refined in *Great Britain* and exported, there shall be repaid 3*s.* over and above the present Bounties.

So much of the *Stat. 20 Geo. 2. c. 45.* as relates to the Nonpayment of the Duties of Customs or Excise on Prize Goods exported is repealed, and the Subsidy hereby granted shall not be drawn back on the Exportation of any Prize Goods.

By *Stat. 21 Geo. 2. c. 14.* Tea may be exported to *Ireland* or *America* without paying the Inland Duty given by the *Stat. 18 Geo. 2. c. 26.* which is 1*s.* per Pound Weight, and 25*l.* per Cent. of the gross Price at which the Tea shall be sold at the publick Sale of the *East-India* Company, the Proprietor giving Security in double the Value of the Goods for the real Exportation. No Tea shall be exported in any Chest, &c. other than in which it was originally imported, nor in any less Quantities than in the intire Lots in which it was sold in the Sale of the said Company.

An Act made in the 21 *Geo. 2.* for explaining, amending and enforcing the Act 18 *Geo. 2.* for prohibiting the wearing and Importation of *French* Lawns, enacts, that any Person who after the 24 *June* 1748, and before the 25 *March* 1749, shall be prosecuted for wearing Cambrick or *French* Lawns, producing Proof that the same was bought before 24 *June* 1748, shall be discharged from the Penalty; and that the Vender convicted

convicted of selling Cambrick, &c. after the 24 June 1748, shall be liable to the Penalty; and that Milliners making up Cambricks, &c. shall be liable to the Penalty.

An Act made in the 22 Geo. 2. enacts, that after the 1st July 1749, no foreign Embroidery or Gold or Silver Brocades shall be imported or brought into *Great Britain*, upon pain of being forfeited and burnt, and upon the further Penalty of 100*l.* to be paid by the Importer thereof for each Piece or Parcel so imported.

An Act made in the 23 Geo. 2. to encourage the Importation of Pig and Bar Iron from his Majesty's Colonies in *America*, &c. enacts, that after the 24 June 1750, Pig Iron made in the *British* Colonies in *America* may be imported Duty free into any Port of *Great Britain*, and Bar Iron made in the said Colonies into the Port of *London*.

An Act made in the 23 Geo. 2. for granting to his Majesty certain Duties upon such Species of Sail-Cloth as are therein mentioned, which shall be imported from *Ireland* into *Great Britain*, lays a Duty of 4*d.* upon each Yard of all such Canvas or Sail Cloth as is of the Value of 14*d.* a Yard and upwards, and a Duty of 2*d.* a Yard on each Yard of such Canvas or Sail-Cloth of the Value of 10*d.* a Yard and under 14*d.* which respective Duties shall continue and be paid on all such Canvas and Sail-Cloth imported into *Great Britain*, as long as the respective Bounties allowed in consequence of an Act of the Parliament of *Ireland* made in the 19 Geo. 2. of 4*d.* and 2*d.* a Yard shall be continued.

An Act made in the 23 Geo. 2. for repealing the Duties then payable upon *China* Raw Silk,  
and

and for granting other Duties in lieu thereof, enacts, that after the 24 *June* 1750, the then present Duties payable on the Importation of Raw Silk from *China* shall cease, and that in lieu thereof it shall pay the same Duties as are paid upon Raw Silk of the Growth of *Italy*, and that the same Drawback shall be allowed on the Exportation of Raw Silk from *China* as is payable on Raw Silk of the Growth or Produce of *Italy*.

An Act made in the 24 *Geo.* 2. for continuing several Laws, continues the Act 2 *Geo.* 2. for encouraging the Importation of Naval Stores from *America*, which has been continued from time to time, unto the 25 *December* 1751, and provides that no Bounty shall be paid on Tar, unless each Barrel contain 31 Gallons and a half;

And the Act 9 *Geo.* 2. for encouraging the Manufacture of *British* made Sail-Cloth, which has been continued from time to time, unto the 25 *December* 1757;

And the Act 4 *Geo.* 2. for granting an Allowance on Exportation of *British* made Gunpowder, which has been continued from time to time, until the 24 *June* 1757.

An Act made in the 24 *Geo.* 2. for repealing the Duties then payable upon foreign Linen Yarns, and for granting other Duties in lieu thereof, enacts, that after the 25 *March* 1752, in lieu of the Duties by this Act repealed, there shall be granted and paid the respective Duties following upon the Importation of foreign Linen Yarn into this Kingdom, *viz.* For every Pound Weight of *French*, *Dutch*, *Muscovia* or *Spruce* raw Linen Yarn, the Sum of 1*d.*

And

And for every Pound Weight of whitened or bleached Linen Yarn, known by the Name of unwrought Inkle or short Spinnell, of the Manufacture of any Part or Place not belonging to the Crown of *Great Britain*, the Sum of 3*d.*

And also the said Duty of 1*d.* for every Pound Weight of all other raw Linen Yarn;

And the said Duty of 3*d.* for every Pound Weight of all other whitened or bleached Linen Yarn respectively, of the Manufacture of any Part or Place not belonging to the Crown of *Great Britain*.

An Act made in the 24 *Geo. 2.* for the more effectual securing the Duties upon Tobacco, after enacting several Provisions for the more effectual securing the Duties payable thereon, upon the Importation thereof into *Great Britain*, and preventing the many great Frauds and Abuses carried on by ill-designing Persons concerned in different Branches of the Tobacco Trade, enacts, that the Importers of Tobacco shall, after the 1st *June* 1751, have the same Allowances and Discounts on giving Bonds for the Subsidy, granted by *Stat. 21 Geo. 2. c. 2.* or paying the same before they become due, as they are now entitled to by any Law now in force upon Bonds given for Tobacco imported.

An Act made in the 24 *Geo. 2.* for continuing several Laws, continues the Act of 12 *Geo. 2.* for granting a Liberty to carry Sugars from the *British Colonies in America* directly to foreign Parts, in Ships built in *Great Britain* and navigated according to Law, which has been continued from time to time, until the 1st *September* 1757.

And

And so much of the Act 8 *Geo.* 1. for giving further Encouragement for the Importation of Naval Stores, &c. as relates to the Importation of Wood and Timber, and of Goods commonly called Lumber, from any of his Majesty's *British* Plantations or Colonies in *America*, free of all Customs and Impositions whatsoever, which has been continued from time to time, until the 1st September 1757.

An Act made in the 24 *Geo.* 2. for granting to his Majesty an additional Duty upon spirituous Liquors, and upon Licences for retailing the same, &c. enacts, that after the 1st July 1751, there shall be paid for the several kinds of spirituous Liquors therein after mentioned, over and above all Duties and Impositions imposed thereon by any former Acts of Parliament, the several Duties following, *viz.*

For every Gallon of low Wines or Spirits of the first Extraction, made or drawn from any sorts of Drink or Wash, brewed or made from any sort of Malt or Corn, or from Brewers Wash or Tilts, to be paid by the Distillers or Makers thereof, three Half-pence:

For every Gallon of strong Waters or *Aqua-Vitæ*, made for Sale of the Materials aforesaid or any of them, to be paid by the Distillers or Makers thereof 4d.  $\frac{1}{2}$ :

For every Gallon of low Wines or Spirits of the first Extraction, made or drawn from Cyder, or any sort or kind of *British* Materials, except those before mentioned, or any Mixture therewith, to be paid by the Distillers or Makers thereof 1d.  $\frac{3}{4}$ :

For every Gallon of Spirits made for Sale from Cyder, or any sort or kind of *British* Materials,  
except

except those before mentioned, to be paid by the Distillers or Makers thereof 3d.  $\frac{1}{2}$ :

And that after the 25 *March* 1752, an additional Duty of 20s. shall be laid on Licences to retail spirituous Liquors:

And that after the 1st *July* 1751, there shall be a Drawback or Allowance of the several and respective Duties charged by this Act on such Spirits made in *Great Britain*, which shall be exported to Parts beyond the Seas, upon Proof being made that the Duties of the same are duly paid, &c.

And it is provided that nothing contained in this Act shall extend to charge with any of the Duties aforesaid, any Spirits made from Malt and retailed in that part of *Great Britain* called *Scotland*, which Spirits are there commonly known by the Name of *Aqua Vitæ*, or to subject the Makers or Retailers thereof in that part of the Kingdom to take such Licences.

An Act made in the 25 *Geo.* 2. continues the Act 5 *Geo.* 2. for encouraging the Growth of Coffee in his Majesty's Plantations, which has been continued from time to time, until the 25 *March* 1758:

And so much of an Act 2 *Geo.* 2. for the better Preservation of his Majesty's Woods in *America*, &c. as relates to the Præmiums on the Importation of Masts, Yards and Bowsprits, Tar, Pitch and Turpentine, is also continued until the 25 *March* 1758.

An Act made in the 25 *Geo.* 2. to allow the Importation of Gum Senega into this Kingdom from any part of *Europe*, upon the Payment of a Duty, &c. enacts, that after the 10th Day of *April* 1752, it shall and may be lawful for any  
of

of his Majesty's Subjects to import into this Kingdom Gum Senega, in *British* built Ships navigated according to Law, from any Port or Place in *Europe*, upon Payment of the Duty of 10s. for every hundred Pounds Weight of Gum Senega, and in proportion for any greater or lesser Quantity, by the Importer before the landing thereof: But if any Person shall enter any Gum Senega as imported immediately from the Place of its Growth or Produce, or from any of his Majesty's Colonies or Plantations in *America*, in order to avoid the Payment of the Duty by this Act granted, which Gum Senega shall afterwards appear to have been imported from some Port or Place in *Europe*, the Person making such Entry shall forfeit all such Gum Senega so entered and double the Value thereof.

See more of *Customs*, under *Companies of Trade and Plantations*, Vol. II.

## C H A P. XIX.

### *Of Prisage and Butlerage.*

THE Duty of Prises or Prisage was originally the only one payable upon the Importation of Wines and foreign Commodities imported, and was taken by Virtue of the regal Prerogative for the proper Use of the Crown.

*Prisage* is a certain taking or purveyance of Wines to the King's Use, out of every Ship or Vessel bringing in Wine belonging to the Natives  
of

## 352 Of Prisage and Butlerage.

of *England*, except the Merchants of *London*, the *Cinque Ports*, *Southampton* and *Chester*, which are exempted by particular Charters; to be taken upon the breaking of bulk, or unloading any part of the Ship's Cargo, according to the whole Quantity on board, tho' there be not more than one Ton landed; for in this case the Duty must be paid, otherwise the Officer collecting it might be obliged to travel all over the Kingdom.

This Duty is either *single* or *double*: Single Prisage is one Ton, and due in kind, when the Quantity of Wine imported amounts to or exceeds ten Tons, but is under twenty Tons; and if it be under ten Tons, there is not any Prisage due. The double Prisage Duty is two Tons, likewise due in kind, when the Quantity imported amounts to or exceeds twenty Tons, which is the most that is due out of any one Ship; one Ton whereof to be taken before, and the other behind the Mast, at the Pleasure of the King's Butler or Prisage-Master; who may take where he pleases, to avoid being defrauded of the Duty, for two Tons are the King's Due; and he may taste the whole Cargo, and chuse the best Wines, and fill up the Vessels, or chuse those that are the fullest, and take them away, allowing only 20s. *per* Ton for Freight: Or if the Owners had rather, he may compound with them for his whole Quantity, at a certain Price.

*Butlerage* is a Duty of 2s. for every Ton of Wines imported by Merchant Strangers; being a Composition (instead of the Duty of Prisage payable in kind by *English* only) in consideration of the Liberties and Freedoms granted to them by Charter, by King *John* and King *Edward* the First; who by a Charter called *Charta Mercatoria*,

*catoria*, made in the thirty-first Year of his Reign, remitted this Duty of Prifage to all Merchant-Strangers, who in lieu thereof granted him a Duty of 3*d.* in the Pound; commonly called Petty Custom; upon all native Commodities exported, over and above the great Customs before paid; and also upon all Merchandizes imported, except Wines; and upon all Wines imported 2*s.* for every Ton, being the Duty that has since been called *Butlerage* as above; It is called Butlerage; because the King's chief Butler doth receive it. If any Person free of Prifage or Butlerage shall custom any Wine of another who is not free thereof, he shall forfeit double the Value of Prifage and all his Goods and Chattels personal for ever. 1 *H. 8. c. 5.* 2 & 3 *Edw. 6. c. 22.* 1 *E. c. 11.*

King *Edward* the first having laid some Impositions on the Merchants, which in the twenty-fifth Year of his Reign were taken away, with promise that neither he nor his Successors should do the like without Assent of Parliament; in the 31st Year of that King they granted him an Increase of Customs: In lieu of which, he granted to some Places divers Immunities, as Release of Prifage, &c. And King *Edward* the third, by his Charter, dated the 6th of *March* in the first Year of his Reign, granted to the Mayor, Commonalty and Citizens of *London*, that they should be for ever discharged from Prifage of Wine; which Charter was afterwards allowed in the Exchequer. 44 *Eliz.*

It has been held, that it is not every Citizen of *London* that is capable of this Privilege, but only those Citizens that are Resident within the City; so it was ruled in the case of one *Knowles*,

who being a Citizen and free Grocer of *London*, removed with his Household to *Bristol* where he dwell'd, but yet kept his Shop in *London*, and a Ship of his arriving with Wines at *London*, and being unladen, the Prisage was demanded: He claimed the Benefit of Discharge as a Citizen, and these being his own proper Goods: It was adjudged, he was not intitled to the same; for he who will claim the Benefit of his Exemption, ought to be a Citizen and Inhabitant there. In this Case it was said for the Defendant *Knowles*, that if a Person unlade his Wines before Prisage paid, then the King's Officer cannot have his Election. *Trin. 4 Hen. 6.*

If a Ship bound for the Port of *London* should by Strefs of Weather or otherwise be forced into any other Port, in such case the Citizens are to enjoy their Privilege, as well as if the Ship had arrived at *London*. *Hardr. 311.* In case several Ships of Burthen import Wine in a Port in small Parcels, as where only nine Tons and three Hogsheads were imported in each Vessel; this was held to be Fraud, and that Prisage should be paid for them: And in Equity it hath been the usual Custom, to cause single Prisage to be paid for nine Ton and a half; but not if it be only nine Ton imported. *Hardr. Rep. 218, 477.*

The King granted to a *Venetian* Merchant that he should be quit of all Customs, Subsidies and Impositions, and all other Sums of Money, Debts and Payments for any Merchandizes whatsoever imported, and that he should be as free as the Citizens of *London*; notwithstanding these particular Words in the Grant, it was resolved in the *Exchequer*, that by that Grant he was

not discharged from Prifage, becaufe the Prifage is not fpecially expreffed therein; although the City of *London* were by a fpecial Charter free of Prifage. The Lord Mayor of *London* cannot make Strangers Citizens, to be discharged from Payment of Prifage. *Davis's Rep. Hill. 43 Eliz. B. R.*

Prifage is not due and demandable till the bulk is broken: But if a Foreigner brings a Ship laden with Wines to a Port with Intent to unlade, and before the Goods are entered or bulk broke, he fells them to a Citizen, Prifage fhall be paid; for the King's Grant fhall not discharge any Citizen in fuch a manner. If the King by Grant discharges a certain Ship of *A. B.* being at Sea, particularly naming the fame, from paying Prifage, and the Owner dies before the Ship arrives, no Duty can be demanded; 'tis otherwife, if a particular Perfon has a Grant to him to be discharged of his Goods, and he dies before the Arrival, there the Duty fhall be paid. *Hill. 13 Jac. 1.*

An Information being brought by Sir *Thomas Waller* chief Butler to King *James 1.* againft *Frances Hanger* Widow, for detaining eight Ton of Wine due for Prifage, fetting forth that two Ships laden with Wines belonging to *George Hanger* came to the Port of *London*, and afterwards two more, in which four Ships there were 124 Tons of Wine, whereof eight Tons were due to the King, and that the Defendant, who was the Widow of the faid *George Hanger*, refufed to deliver them: The Defendant confefled, that the four Ships did arrive in the Port of *London*, two in the Life-time of her Husband, and two after his Death, and that he was poffeffed of

the faid Wines *ut de bonis propriis*, and being fo poffeffed thereof made her his Executrix, and died; that ſhe proved her Husband's Will, and took upon her the Executorſhip, and did unlade thoſe two Ships which arrived after the Death of her Husband; then ſhe pleaded the Grant 1 *Ed.* 3. unto the Mayor, &c. of *London*, *quod de vinis Civium*, of Citizens Wine no Priſage ſhall be taken, but that they ſhall for ever be diſcharged of the ſame, and denied that theſe Wines were her Goods, for that ſhe had nothing in them but as Executrix to her Husband, and that he was a Freeman and Citizen of *London*. Upon this Plea, it was a Queſtion, whether Priſage was due for theſe Wines; and adjudged that the Husband was a Citizen of *London* at the time of his Death, and that the Wines were *Bona Civis*, and ſo within the Grant, and by Conſequence diſcharged from the Payment of Priſage in the Hands of the Executrix, who represented his Perſon. *Trin.* 11 *Jac.* *Bridgm.* 1. 2 *Bulſt.* 250.

This great Cauſe was ſeveral Terms, and in divers Courts depending, wherein there was a Diversity of Opinion among the Judges; ſome inſiſted, that Priſage ought here to be paid unto the King, eſpecially for the two laſt Ships; for the Widow and Executrix has the Wines in another's Right. And as to the Privilege of Diſcharge, the Difference ought to be, where the Goods are attached in the Life of the Husband, and where after his Death; when it is in his Life-time, and he dies the ſame Day, yet the Diſcharge ſhall continue, but here the ſame was after his Death: And theſe are not the Wines of *George Hanger* now, for that he is dead, and he hath

no Goods, nor is he now a Citizen; and the Discharge here should go only to the Person of a Citizen. But the Lord Chief Justice *Coke* held, that this Privilege to be exempt from Prifage, is not so much tied to the Person; but also to the Wines of Citizens, and the Charter it self goeth unto them; and the Discharge is of Wines as of a Chattel, and then a Representative shall be within the Compass of a Grant; also an Executor shall not forfeit the Goods which he hath as Executor, and the Reason is, because they still are the Goods of the Dead: Here *George Hanger* was a compleat Citizen in every respect, and so continued till his Death; and these Wines in the Hands of his Executrix are *bona Civium*, and therefore within the Extent of this Grant, to be freed from Prifage. 3 *Bull.* 2, 23, 26.

By the Act of Tonnage and Poundage, 12 *Car.* 2. c. 4. it is declared, that the Prifage of Wines ought not to pay Tonnage or Custom, and shall not be charged with the Payment of any Custom, Subsidy or Sum of Money imposed upon Wines by this Statute, or any Thing therein contained. But in the 1 *Jac.* 2. c. 3. there is a Proviso, that no Merchant shall be charged with any Duty granted by this Act for the Prifage Wine which he imports in any Ship or Vessel; but that it shall be received and taken from the Person who hath the Benefit of the said Prifage Wine, who is hereby appointed to pay the same. And by a late \* Act which makes Allowances to Merchants Importers, out of the several Duties laid on Wines, for such Wine as

---

\* The Statute 6 *Geo.* 1. c. 12. *sess.* 2 c. 7.

is damaged; it is enacted, that the said Allowances shall be made, not only to the Merchant at Importation, but also to the Prisage Master or Proprietor of the Duties of Prisage: Tho' it is here declared, that any thing in this Act contained, or to be done in Execution thereof, shall not extend to diminish or lessen the Duties of Prisage and Butlerage of Wine due upon the Importation of the same, but that the said Duties shall be collected, and received in the same manner as if this Act had never been made.

In a late case, where an Action was brought for Money received to the Use of the Plaintiff, a special Verdict was found by the Jury; that King *Charles I.* gave to *J. S.* and his Heirs, the Duty of Prisage of all Wines imported, to hold the same discharged of all Aids and Taxes; and the Question was, whether the Grantee should pay Tonnage or not? It was here observed, that the Duty of Tonnage was first imposed by *12 Car. 2. viz. 4l. 10s.* on all *French* Wine; then comes *1 Jac. 2. c. 3.* and imposes *8l. per Ton* on *French* Wines, with a Clause that the Grantee of Prisage should pay the Duty: After this the *7 & 8 W. 3. c. 20.* imposes *25l. a Ton*; and then comes *9 & 10 W. 3. c. 23.* which grants an additional Duty of *4l. 10s. per Ton*, to be levied as by the Statute *12 Car. 2.* On this remarkable Cause in the Court of Exchequer, it was there adjudged, that the said Grantee of the Prisage Wine should not pay the Duty of Tonnage: But upon this a Writ of Error was brought in the Exchequer Chamber, and the Judgment was there reversed. *Hill. Term 8 Ann. Paul against Shaw.*

It was argued for the Grantee of Prifage, that Prifage was an ancient and Royal Revenue, and if the Crown had not granted it away, Tonnage could not be due to the Queen, for ſhe could not pay that Duty out of her own Prifage; therefore the Grantee claiming under the Crown, ought to have the ſame Privilege and Exemption, and the rather becauſe it was granted to him with this Immunity. To this it was answered and accordingly reſolved, that Tonnage ſhould be paid for Prifage Wines by the Grantee of Prifage, becauſe immediately on Importation this Duty attaches upon the Wines; and therefore whatever part the Grantee receives for Prifage he takes it charged with the Duty, otherwiſe it would be raiſed on the People to enrich a private Man, which could never be the Intent of the Law-makers: 'Tis true the Queen could not be charged with a Duty to herſelf, but the Duty revives when Prifage comes to a Subject; and as to the Covenants of Diſcharge in this Grant of *Charles* the firſt, they could only extend to the Tonnage then in being, and which he then had, and not to what he had not, or might afterwards be given to his Succeſſors, 2 *Salk. Rep.* 617. 1 *Nelf. Abr.* 585.

## C H A P. XX.

*Of Taking up and Entering Goods at the Custom-House, Bills of Entry, of Lading, Invoices, &c.*

**I**T will be necessary in this Place to take some notice of the particular Business of the *Custom-House* and Water-side, relating to the Entry of Goods and Merchandize inwards and outwards; tho' I confess that daily Practice greatly contributes to the Direction herein.

As to Entering of Goods at the Custom-House, to be exported; when the Merchandize is packed up in Bales, Chests, Casks, &c. according to its Nature, and marked, and the Freight agreed for, then is made forth the *Bills of Entry*; and of these Bills there must be several, one whereof is to be in Words at length, which is to pass, but in the rest the Quantities may be expressed in Figures. These Bills are entered in divers Books, by the Clerks attending; and if you export several sorts of Goods at once, some whereof are free, but others pay Customs, there must be two Entries and two Cockets, one for the Goods that pay no Customs, and another for those that do.

*The Bill of Entry is thus drawn :*

In the *George, Thomas Hardy*, for *Barcelona*,

*J. Salter.*

Ten Bales of Broad Cloth,  
Seven Tons of Beer, &c.

After the Bill of Entry so made, you are to pay the Customs and Fees for Entry, and then the *Cocket* shall be procured, writ on a small Piece of Parchment about six or seven Inches long and four broad; on the Backside of which is set down the Mark, Numbers and Quantity of Goods expressed therein : Then on a Piece of clean Paper is transcribed the Bill of Entry ; whereupon a *Shipping Bill* will be made out, on the Back whereof is likewise writ the Marks, Numbers and Contents, as on the Cocket. The Shipping Bill and Cocket being thus indorsed, are to be delivered to the Searcher at the Water-side, when the Goods are shipped off; and the Cocket is to remain in the Searcher's Office till the Master of the Ship is ready to sail, and then it is to be delivered to him.

*A Custom-House Cocket.*

*London*, Know ye, that *J. S. Merchant*, for ten Bales of Broad Cloth, &c. in the *George, Thomas Hardy*, for *Barcelona*, hath paid all Duties. Dated 12 April 1752, &c.

If the Merchant has no Servant to enter his Goods, the Clerks in the Long Room in the Custom-House will do it for 6*d.* where the Bill of Entry is made; or they will make the Bill and pass the Entry both for 1*s.* The Fees for Entry are 2*s.* 6*d.* for a Freeman of *London*; one not a Freeman 3*s.* 2*d.* an Alien 3*s.* 10*d.* a Navigator 4*s.* 2*d.*

When Goods are exported by *Certificate*, being foreign Goods and Commodities formerly imported here, (which intitle the Exporter to a Drawback of part of the Customs paid on Importation) a *Debenture* is to be made out, and Oath made of the Goods shipped, on the Back-side thereof; and then you are to procure a *Certificate-Cocket*: To obtain which, there must be taken out of the Importer's Books, the Day when the Customs inward were paid, and by whom; and that is to be carried to the Long Room in the Custom-House, and delivered to the Clerk of the Comptroller of the Subsidy inward and outward, (with an Account of the Quantity of the Goods you would export) who will search his Books, and finding the Customs paid inward, make out the Certificate, which is signed by the Collector or Comptroller of the Customs, that those Goods have paid Customs inwards; and thereupon the Cocket is granted for shipping the Goods, and the Drawback allowed.

### *The Debenture.*

*A. B.* Ind. (natural-born) did on the Day, &c. enter with us one thousand Ells of *Holland*, in the Ship called the *George*, *John Hazard* Master, for

for *Jamaica*, the Subsidy and Impost whereof were paid inward by, &c. the Day, &c. as appears by the Certificate of the Collector inwards: And for the farther Manifestation of his just Dealing herein, he hath also made Oath before us of the same. Custom-House, *London*,  
12 April 1752.

*Oath taken before the Collector, &c.*

*A. B.* maketh Oath, that the one thousand Ells of *Holland* within mentioned were really shipped out, on, &c. and have not been relanded in any Port or Creek in *England* or *Wales* since last shipped. 12 April 1752.

*A Certificate-Cocket.*

*London*, Know ye, that *A. B.* for one thousand Ells of *Holland*, hath paid by, &c. the Day, &c. late unladen, and now in the *George, John Hazard*, for *Jamaica*.  
Dated 12 April, &c.

To enter Goods inward at the Custom-House, the Ship being safely arrived which has the Goods on board, the Merchant is to search the Entry-Book at the Custom-House, which lies publick in the Long Room, where he will find the Name of the Ship, Captain, and Land-Waiters appointed to attend the unlading, and at what Key the Goods and Merchandizes are to be landed: And finding the Ship *entered*, the Goods must be also entered, by Bills of Entry; of which there are to be several, one in Words at  
length

364      Of Entering Goods, &c.

length for the Warrant, which is to be signed by the Party in whose Name the Goods are entered, and the Mark thereof must be inserted in the Margin; all which being done, and the Customs and entering Fee paid, the Entry will pass, and the Land-Waiters have a *Warrant* for the landing of the Goods.

*A Bill of Entry inward.*

In the *Prince Frederick*, William Blackwell,  
from *Barbadoes*.

M. Perry.

Thirty Hogsheads of Tobacco,  
Twenty Hogsheads of Sugar, &c.

If your Bill of Entry be of Wines, &c. from *Leghorn* or any part of *Italy*, then it is to be thus:

N<sup>o</sup> 1. Florence Wines, 20 Chests.

N<sup>o</sup> 2. Bales of, &c. Silk, &c.

N<sup>o</sup> 3. &c.

As before Goods are shipped, while they lie on the Wharf, the Searchers are to view the Parcels, and see that they agree with the Cocket; so when Goods are imported, the Land-Waiters must examine that they agree with the Custom-House Warrant, at the time of unlading, before they are removed.

All Merchants making Entries of Goods and Merchandize, either inwards or outwards, at the Custom-House, are to be dispatched in such order

der as they come, and not be put by of their Turn, &c. and Officers and Clerks of the Customs, receiving greater Fees for Entries, &c. than such as are or shall be established by Act of Parliament, shall forfeit their Offices, and be disabled to hold any Place in the Custom-House.

See *Orders* annex'd to the *Book of Rates* by *Stat. 12 Car. 2.*

---

## C H A P. XXI.

### *Of Fees and Allowances to the Officers of the Customs.*

**A**S the Fees and Allowances due and payable to the Officers of his Majesty's Customs and Subsidies in the Port of *London*, and the Creeks and Members thereunto belonging, are, by an Order of the House of Commons in the Year 1662, and pursuant to a Statute then made, settled in a Schedule thereof, signed by the Speaker, and ordered to be made publick, for the avoiding of all Oppressions by any of the said Officers in exacting unreasonable Fees from Merchants, &c. And the said Fees being confirmed by subsequent Acts of Parliament, I think it proper to insert the same here, as a just Conclusion of the large *Title Customs.*

*To the Officers of the Petty Customs outwards.*

For a Cloth Cocket by *English* Freemen of *London*, to the Customer, 6*d.* and to the Comptroller, Surveyor, and Surveyor General, 4*d.* each.

For a Stranger's Cocket, or Unfreeman, to the Customer, 8*d.* and to the Comptroller, Surveyor and Surveyor General, &c. 6*d.* each.

For a Cloth Certificate by Strangers or *British*, to pass according to the old Rate, 8*d.* to the Customer, and 4*d.* to the said other Officers each.

For a Ship's Entry crossing the Seas, 4*d.* to each of all the said Officers.

For a Ship's Entry to the *Streights*, *Canaries*, or *Western* Islands, to each and every of all the said Officers, 1*s.*

For clearing of Ships, and examining the Books, to the Customer, 1*s.* and to the Comptroller, and Surveyors, 6*d.* each.

For every Indorsement, to the Customer, 4*d.*

For making a Bond to the King's Use, to ditto, 6*d.*

For every Entry in the Certificate Book, to ditto, 2*d.*

*To the Customers Clerks.*

More for a Cloth Cocket or Certificate, to the Customer, 6*d.* and the Comptroller, and Surveyors, 2*d.* each.

For a Ship's Entry crossing the Seas, to the Customer, 4*d.*

*Subsidy*

*Subsidy outwards.*

For every Ship's Entry within the *Levant*, or beyond the *Streights* Mouth, to the Collector, Comptroller, Surveyor and Surveyor General, 1 s. each.

For every Ship's Entry going to any other foreign Parts, to each and every of all the said Officers, 4 d.

For every Ship's Entry going to the Out-Ports, to the Collector, 2 d. and to the Comptroller and Surveyors, 1 d. each.

For clearing of every Ship passing to foreign Parts, and examining the Ship's Contents, to the Collector, 1 s. the Comptroller and Surveyors, each 6 d.

For every *English* Cocket by Freeman, to the Collector, 8 d. to the Comptroller and Surveyors, 4 d. each.

For every Stranger's Cocket, or Unfreeman of *London*, to the Collector, 1 s. the Comptroller and Surveyors, 6 d. each.

For making every Certificate Cocket, as well *British* as Strangers, for Goods which paid Subsidy inwards, and pay no Subsidy outwards, to the Collector, 8 d. to the Comptroller and Surveyors, each 4 d.

For every Certificate upon Warrant from his Majesty or the Lord Treasurer, paying no Duties, to the Collector, 1 s. 6 d. to the Comptroller and Surveyors, 8 d. each.

For Indorsement of all Warrants and Licences, to the Collector and Comptroller, each 4 d.

For a Foaring Bill licensing such as bring in Victuals, to carry out some Beer as by Store, to the

the Collector, Comptroller and Surveyors, 6*d.* each.

Coast Sufferances to be given without Fees.

For every Coast Cocket outwards, and entering in the King's Books, for a whole Ship or Vessel passing into the open Seas, to the Collector, 1*s.* to the Comptroller and Surveyors, each 8*d.*

For a Bond for the same, to the Collector, 6*d.* For discharging the Bond, and filing the Certificate to the said Bond, to the Comptroller, 4*d.*

For making every Certificate of Return, to the Collector, 1*s.* and to the Comptroller and Surveyors, 2*d.* each.

For making, entering and keeping an Account of every Debenture for Repayment of half Subsidy, or other Sums of Money, to the Collector, 1*s.* to the Comptroller and Surveyors, each 4*d.*

For making and entering a Transire or Let-pass from Port to Port in *Great Britain*, to the Collector, 4*d.* and the Comptroller, 2*d.*

#### *To the Clerks.*

For a Cocket, by *British* or others, the Collector, 4*d.* Comptroller and Surveyors, 2*d.* each.

For a Ship's Entry crossing the Seas, to the Collector, 4*d.*

To the Clerk of the Coast Cockets, for making a Bill or Ticket to the Lord Mayor for Corn, Victuals, and other Provisions, the Collector, 4*d.*

*Petty Customs inwards.*

For every Stranger's Warrant, to the Customer, Comptroller and Surveyors, each 2*d*.

For taking every Bond, to the Customer, 6*d*.

For every Bill at Sight, to the Customer, 1*s*. the Comptroller and Surveyors, 4*d*. each.

For discharging every Bond, to the Comptroller, 6*d*.

For every great Employment to employ the Proceed of Goods, to the Comptroller, 6*d*. and to the two Surveyors, 1*d*. each.

*Subsidy inwards.*

For every Warrant by *British* Freemen of *London*, to the Collector, Comptroller and Surveyors, each 4*d*.

For every Warrant for Strangers or Unfreemen, to each and every of the said Officers, 6*d*.

To the Clerk for making the Shipper's Entry, the Collector, 1*s*.

For making a Bond to his Majesty's Use, to the Collector, 6*d*.

For every Oath administered by the Collector, 2*d*.

For a Ship's Entry, with the particular Contents, *viz*.

———— From the *East-Indies*, to the Collector, 2*s*. 6*d*.

———— From the *Streights*, to the Collector, 2*s*. 6*d*.

———— From *Spain*, *Portugal*, and the *West-Indies*, or *British* Plantations, to the Collector, 2*s*.

For a Ship's Entry from *Dunkirk* or *France*, *Flanders*, *Holland*, *Ireland*, or any *eastern* or *northern* Parts, to the Collector, 1*s*.

For every Ship or Vessel less than twenty Tons, to the Collector, 8*d*.

For every Stranger's Ship's Entry to pay double Fees ———

For every Certificate of foreign Goods imported, to be shipped out free of Subsidy, to the Collector, 1*s*. 6*d*. whereof 6*d*. for the Search, and 12*d*. for the Certificate.

——— If the Goods be under the Value of twenty Pounds, according to the Book of Rates, the Merchant is to pay for the Certificate in all but 6*d*. to the Collector.

For examining and comparing every Debenture with the original Certificate, to the Collector, 4*d*.

For a Certificate of foreign Goods coming from any of the Out-Ports to *London*, or from any other Port to Port within this Nation, to the Collector, 6*d*. the Comptroller and Surveyors, 2*d*. each.

For Goods sent by Sea by the Importer thereof, to any of the Out-Ports from *London*, the like Fees of 6*d*. and 2*d*. to the said Officers.

For casting up the Sum, and keeping an Account of every Debenture, and paying the Money; to the Collector, 8*d*.

For every Bale, Pack, Truss, Chest, Case or other Package, brought into the King's Warehouse, shall be allowed to the Officer when the Merchant is short entered above 5*s*. to be paid to the proper Officer, 2*d*.

*Great Customs.*

For a Cocket for Calve-Skins, to the Customer, 2s. and Comptroller, 1s.

For a Coast Cocket outwards of Wools, Woolfells, Leather, Skins and Hides, the like Fees, to the said Officers.

For a Bond for his Majesty's Use, to the Customer, 1s.

For filing the Return, to the Customer, 6d.

For a Return and Discharge outwards, to the Customer, 2s. 4d. and to the Comptroller, 1s.

To the Packer, for telling and packing every Dacre of dressed Calve-Skins, allowing ten Dozen to the Dacre, 6d.

For packing every Dacre of undressed Calve-Skins, and telling, to the Packer also, 6d.

*Fees concerning several Officers, as well inwards as outwards, to be paid to the Clerks.*

For every Bill of Portage, to the Customer's Clerk, 6d. Comptroller's, 3d. and Surveyor's, 3d.

For a Second or Parcel Cocket outwards, to each of the said three Clerks, 2d.

*To the King's Waiters, being in Number Eighteen.*

Received in  
the Custom-  
House above  
Stairs.

{ For every *British* Man's foreign  
Goods or Merchandizes, of  
what nature soever, paying Cu-  
stom or Subsidy inwards in the  
Port of *London*, or coming thi-  
ther from any Place or Port by  
Cocket, 1 s.

{ For every Stranger's foreign  
Goods in like manner, paying  
Custom inwards in the same  
Port, or coming thither by  
Cocket, 1 s. 6 d.

{ For certifying every Cocket of  
*British* Goods brought up to  
*London*, 6 d.

Received at  
the Water-  
side by the  
said King's  
Waiters, and  
others at-  
tending; to  
be divided as  
formerly.

{ For a Bill of Store or Portage for  
any thing above 10 s. Customs,  
1 s.

{ For a Bill of Sight, Bill of Suf-  
ferance, or any other imperfect  
Warrant, 1 s.

{ For Wools, Wool-fells, Leather,  
Hides, and prohibited Goods  
from the Out-Ports by Cocket,  
1 s.

*Register of the King's Warrants.*

For every *British* Warrant for Goods inwards,  
2 d.

For every Stranger's Warrant, 4 d.

For every foreign Certificate, 4 d.

For

For all Goods not paying twenty Shillings Custom, whether in or out, there shall be but half Fees taken, for Warrants, Cockets, Transires, Debentures or Certificates.

*To the Usher of the Custom-House.*

For every Oath administred by the King's Officers outwards, 2*d*.

*Rules which may serve for the Ports in general.*

Whereas some Societies and Companies of Merchants do trade in a joint Stock, and enter the whole Lading and Cargo of a Ship inwards, in one Entry, when the Adventurers therein concern'd are many; the Officers and Waiters may, in such case, take and receive such Gratuity, as the said Company shall voluntarily consent to pay unto them.

All Goods under the Value of five Pounds in the Book of Rates, paying Subsidy the Sum of 5*s*. or less, shall pass without Payment of any Fees.

No *British* Merchant that shall have Goods of his own, to be landed out of one Ship or Vessel at one time, (although the Receipt of the Subsidy be distributed into several Offices) shall be charged to pay any more or other Fees than for a single Entry: Goods in Partnership to pass as if the Proprietors were one single Person.

Fish by *British*, in *British* Shipping or Vessels, inward or outward, or along the Coast, to pay no Fees.

Foreign Coin and Bullion inwards, may be landed by any Persons, without Warrant or Fee.

And Diamonds, precious Stones, Jewels, Pearls of all Sorts, to pass inwards and outwards, without Warrant or Fee.

Post-Entries inward, to pass without Fee, being under five Shillings; if above that, and under forty Shillings, then six Pence: But if the Custom to be paid exceed forty Shillings, it shall pay the full Fees as were paid for the first Warrant.

The Merchants shall pay for all Goods opening, that shall be short entered above ten Shillings Custom.

The Merchant shall also pay for weighing of all Goods, which shall be short entered above twenty Shillings Customs.

But Merchants not to be at any Charge, if duly entered.

The *Navigation Act* 12 Car. 2. c. 18. having granted several Duties upon Strangers Vessels, importing Commodities not of their Growth; and thereby it being ordered, that such Shipping, as would enjoy the Privilege of *English* Ships, must be manned accordingly, whereby there is a Necessity for an Officer to be employed every Tide downwards towards *Gravesend*, to visit all Ships, and see if they are manned according to the said Act; and also to gauge \* *French* Ships, and take an Account of their Tonnage, and to give Certificates for making of foreign Ships free, and taking Bonds for such as go to the Plantations.

---

\* The Duty of 5 s. per Ton, for which *French* Ships were to be gauged, ceased by 11 Artic. Treaty Commerce made in the Year 1713.

*For this Business the following Fees are appointed.*

For gauging every *French* Vessel, in lieu of the like Fee paid in *France* for gauging *British* Vessels there, to the Collector, 5s.

For making a Certificate to make a foreign Ship free, and sealing and registering the same, to the Collector, 10s.

For a Bond for Ships going to the Plantations, to the Collector, 6d.

For every Entry of *French* Vessels, and for Bills to charge the Duty on any such Vessel, to the Collector and Comptroller, each 6d.

For a Certificate of Payment of Tonnage, to the Collector, 6d.

For every Entry of Goods liable to Duties by the Act of Navigation, which this Collector receives, 4d. and to the Comptroller, 4d.

*The Fees between the chief Searcher, and the under Searchers in the Port of London.*

For every Ship that passeth into foreign Parts, if to *Spain*, *Portugal*, the *Streights*, *West-Indies*, *Guinea*, or the Western Islands, 6s.

To *East-India*, 10s.

All other *British* Ships into foreign Parts, 4s.

For every Stranger's Ship or Bottom, 6s. 8d.

*Due to his Majesty's Five Under-Searchers that attend at London.*

*British and Aliens.*

{ For every Certificate for shipping out Goods formerly imported, 2 s.

{ But if the half Subsidy to be received back, amounts but to 40 s. then only 1 s.

{ A Pipe, Punchion or Butt, 4 d.

{ A Hogshead, or Bag, 2 d.

{ Of Tin the Block or Barrel, 1 d.

{ Beer-eager, Wood of all sorts, Copperas, Allum and such gross Goods, the Ton, 4 d.

{ Corn, the Last, Sea-Coal, the Chalder, Beer, the Ton, 2 d.

{ Lead, the Fodder, 2 d.

{ The Maund, Fatt or Pack, 6 d.

{ The Bundle, Bale, Chest or Case, 3 d.

{ Raisins and Figs, for 20 Frails or Barrels, 3 d.

{ Butter and such Goods, the Barrel, 2 d.

{ For every Coast-Certificate or Cocket, 1 s.

{ Transfers for the Coast, free.

{ For every Horse, Mare or Gelding, 1 s.

{ For certifying every Debenture for receiving back half Subsidy, &c. 6 d.

{ For every Piece of Ordnance, 1 s.

For

To be paid by *British* and Aliens, for Goods that pay Subsidy, and pass out by Cocket or Warrant.

To be paid  
by *British* and  
Aliens, for  
Goods that  
pay Subsidy,  
and pass out  
by Cocket or  
Warrant.

For the Indorsement of every  
Cocket, 1s.

For every Certificate out of their  
Books of Goods lost at Sea,  
taken by Pirates, or return'd,  
whereby so much may be ship-  
ped Custom-free, 1s.

For every Bill of Sufferance, or  
Store, above 10s. in the Book  
of Rates, 1s.

If under that, 6d.

The Fardle or Truss, by *British*,  
of three hundred Weight or  
upwards, 6d.

Woollen Cloth, the Bale not ex-  
ceeding five Cloths, or three  
hundred Weight, Stuffs, Bays  
or Says, 3d.

Merchant - Strangers, Unfreemen  
of *London*, or such as ship on  
Stranger's Ships or Vessels, the  
Fardle or Truss, 1s. the Bale,  
6d.

*The Fees of the two Searchers at Gravesend.*

For every Ship that passeth over the Seas for  
*Spain, Portugal, Streights, the West-Indies, Gui-  
nea or the Western Islands*, 6s.

For every Ship to the *East-Indies*, 10s.

For all other *English* Ships into foreign Parts,  
4s.

For every Stranger's Ship or Bottom, 8s.

For every Ship having a Coast-Cocket, 4d.

For

For Passengers outwards, not being Merchants or Mariners, 6*d*.

*Signed by virtue of an \* Order of the House of Commons, dated the 17th May 1662.*

E. Turner.

*A Breviate of the Fees of his Majesty's Officers of the Customs and Subsidies in the Port of London, reducing the several Particulars into Totals, or entire Sums, viz.*

*For the Officers of the Petty Customs outwards.*

For a Cloth Cocket by *British* Freemen of *London*, paid to the principal Officers and their Clerks, 2*s*. 6*d*.

For a Stranger's Cocket, or Unfreeman, 3*s*. 2*d*.

For a Cloth Certificate by *British* or Strangers, 2*s*. 8*d*.

For a Ship's Entry crossing the Seas, 1*s*. 8*d*.

For a Ship's Entry to the *Streights*, *Canaries* or *Western Islands*, 4*s*. 4*d*.

For clearing of Ships, and examining the Books, 2*s*. 6*d*.

For every Indorsement, 4*d*.

For making a Bond to the King's Use, 6*d*.

For every Entry in the Certificate Book, 2*d*.

---

Confirmed and continued by 8 & 9 *W. 3. c. 20.* and other Acts, which continue the Customs and Subsidy outwards.

*Subsidy*

*Subsidy outwards.*

For every Ship's Entry within the *Levant*, or beyond the *Streights* Mouth; to the Officers and their Clerks, 4 s. 4 d.

For every Ship's Entry, going to any other foreign Parts, 1 s. 8 d.

For every Ship's Entry going to the Out-Ports, and for a Coast-Cocket and Bond, 4 s. 9 d.

For clearing of every Ship, passing to foreign Parts, and examining the Ship's Contents, 2 s. 6 d.

For every *British* Cocket, by Freemen, 2 s. 6 d.

For every Stranger's Cocket, or Unfreeman of *London*, 3 s. 4 d.

For every Certificate-Cocket, &c. 2 s. 6 d.

For every Certificate, upon Warrant from his Majesty, or the Lord Treasurer, paying no Duties, 4 s. 4 d.

For Indorsement of all Warrants and Licences, 8 d.

For a Foaring Bill, 2 s.

For discharging a Bond, and filing the Certificate, 4 d.

For making a Certificate of Return, 2 s.

For a Debenture for Repayment of half Subsidy, &c. to the principal Officers, 2 s. to the Searchers, 6 d. for the Oath, 2 d. examining, 4 d. casting up and paying the Money, 8 d. In all, 3 s. 8 d.

For making and entering a Certificate or Let-pas, 6 d.

For a Bill or Ticket to the Lord Mayor, 4 d.

*Petty*

*Petty Customs inwards.*

For every Stranger's Warrant inwards, *vide* Subsidy inwards.

For taking every Bond, 6*d.*

For every Bill at Sight, 2*s.*

For discharging every Bond, 6*d.*

For every great Employment, 2*s.* 6*d.*

*Subsidy inwards.*

For every Warrant by *British* Freemen of *London*; to the principal Officers, the King's Waiters, and Register, 2*s.* 6*d.*

For every Warrant for Strangers, 4*s.* 6*d.*

—— Or for Unfreemen, 3*s.* 2*d.*

For every Certificate of foreign Goods, coming from the Out-Ports to *London*, 2*s.* 4*d.*

For Goods sent by Sea, by the Importer thereof, to any of the Out-Ports from *London*, 1*s.*

All the rest of the Fees under this Title of *Subsidy inwards* are single, and paid to particular Persons. *Vide* the Table.

*Great Customs.*

For a Cocket for Calves-Skins; to the Officers and Packer, 3*s.* 6*d.*

For Wools, Wool-fells, Skins and Hides, 3*s.*

For a Bond to his Majesty's Use, 1*s.*

For filing the Return, 6*d.*

For a Return and Discharge outwards, 3*s.* 4*d.*

*Fees inwards and outwards concerning the Clerks.*

For every Bill of Portage, 1*s*.

For a Second or Parcel Cocket outward, 6*d*.

To the *Packer*

To the *King's Waiters* for the three first Articles.

The *Register* of the King's Warrants.

} All these are  
reckoned to-  
gether with  
the former  
Entries.

All other Fees in the Table not herein comprised; (except only two concerning the Act of Navigation) the Fees of the chief Searcher, and his Majesty's five Under-Searchers at *London*, and two at *Gravesend*, are single, and do not admit of Abbreviation.

---

*The End of the First Volume.*

---

T H E  
T A B L E  
T O T H E  
F I R S T V O L U M E.

---

A.

<i>A</i> FFREIGHTMENT defined	Page 53
—— Charter-Parties	62, 64
—— Covenants and Agreements therein	62
<i>Arbitrament</i> , of Merchants Suits	10
<i>Assurance</i> , vide <i>Insurance</i>	
<i>Average</i> , what it is	124
—— Where Goods thrown over-board in a Storm, for Safety of the Ship	<i>ibid.</i>
—— The Remainder to come into Average, and Contribution for the Loss	125
—— What Goods first cast over	127
—— Goods and Cargo of a Ship, Security for the Average	130
	<i>Average,</i>

# The T A B L E.

<i>Average</i> , in what Cases no Average had	Page 130
—— Not after general Shipwreck	131

## B.

<i>Bankrupts</i> , Substance of the Statutes relating to Bankrupts	90 to 98
—— Determinations from the Books of Reports	98 to 104
<i>Bartering</i> of Goods, what and how done,	6
<i>Bills</i> obligatory	<i>ibid.</i>
<i>Bottomry</i> , Definition of	106
—— When the Master of a Ship borrows Money upon the Keel or Bottom	<i>ibid.</i>
—— Or Money lent to a Merchant, &c. to be paid on Return of the Ship	<i>ibid.</i>
—— Fictitious Way of Bottomry	107
—— Why large Interest allowed in these Cases	107, 108
—— A Reward for the Danger and Adventure at Sea	108
—— Sometimes Ship, Goods and Person bound	<i>ibid.</i>
The Master not to borrow Money on Bottomry, where his Owners dwell	109
—— If Money lent on Ship-board by a Passenger, &c. how repaid	<i>ibid.</i>
—— Ship receiving Injury, before Commencement of the Voyage, Person borrowing runs the Hazard	110
A <i>Bill</i> of Bottomry	111
Bottomry <i>Bond</i> , Form thereof	116

*Contribu-*

# The T A B L E.

## C.

<i>Contribution</i> , made by Merchants and others, on casting Goods into the Sea during Tempests	<i>Page</i> 124
——— To be by all Persons interested, Masters and Purfers of Ships, Passengers, &c.	125
——— Estimation of the Goods lost, Order ob- serv'd in	126
——— If afterwards recovered, Contribution ceases	127
——— Where Ships indiscreetly stowed, or laden above the Birth-Mark, or forbidden Goods put aboard, no Contribution	128
Contribution to redeem a Master taken by an Enemy, &c.	<i>ibid.</i>
——— And where Damage received, by a Ship's accidental striking against another	129
——— Goods not to be delivered 'till a Contri- bution settled	130
<i>Customs</i> , defined	172
——— By our <i>ancient Statutes</i>	<i>ibid.</i>
——— First Custom-Duties granted on Goods and Merchandize, and others laid and conti- nued from <i>Edward</i> the first to the End of King <i>Charles</i> the first's Reign	173 to 199
——— Laws relating to Customers, Collectors and Officers of the Customs	176
——— Adjudged Cases concerning them	197, &c.
Customs, by <i>modern Statutes</i> , from Beginning of King <i>Charles</i> the second to the End of Queen <i>Anne's</i> Reign	200 to 277

Customs,

## The T A B L E.

<i>Customs, Tonnage and Poundage, and additional Duties of various kinds, granted in that time</i>	<i>Page 277</i>
<i>Customs by late Statutes; from the Beginning of King George the First to the twenty-sixth Year of King George the Second; with further additional Custom-Duties imposed; and Laws against Smugglers</i>	<i>277 to 351</i>
<i>Goods entered, Custom-house Cockets; Certificates, Bills of Entry, &amp;c.</i>	<i>360, &amp;c.</i>
<i>Fees to Officers of the Customs; Outwards and Inwards</i>	<i>365, &amp;c.</i>

### D.

<i>Dangers of the Sea; extends to Pirates and Men of War; &amp;c.</i>	<i>55</i>
<i>Demurrage, paid to Masters of Ships for staying in Port abroad beyond time agreed</i>	<i>56</i>
<i>—— If by the Merchant or Factor's Default; so much per Day</i>	<i>ibid.</i>
<i>Debentures of Goods shipped</i>	<i>362</i>

### E.

<i>Exchange, the original way of Commerce</i>	<i>6</i>
<i>Excise, not to be paid for Wines, &amp;c. imported</i>	<i>16</i>
<i>Exportation and Importation</i>	<i>172</i>
<i>Entering Goods at the Custom-house</i>	<i>360</i>

### F.

<i>Freight of Ships</i>	<i>53</i>
<i>—— How agreed for by the Ton or Great, at so much a Month, &amp;c.</i>	<i>ibid.</i>
<i>VOL. I.</i>	<i>C c Freight</i>

# The T A B L E.

*Freight*, when to be paid or not, by Agreement

*Page 53*

———— Departure within time agreed, entitles  
the Master to the Freight 55

———— In what Cases it becomes lost 57

———— If Ships have not full Lading at time,  
Masters allowed Freight for the Goods on  
board, and to contract with others 58

———— And if the Ship not ready, Goods may  
be put aboard another Vessel, and Damages  
recovered against the Master, &c. *ibid.*

———— Ships freighted from one Port to another,  
putting into other Ports than freighted to,  
Master to answer Damage 59

———— So if he privately takes in Merchandize,  
and the Freighters Goods are lost 60

———— The Lading of a Ship bound for the  
Freight, which shall be paid before any other  
Debts 61

Freight, how paid for Passengers, Women,  
Children, Cattle, &c 61, 62

———— Is governed by the Contract or Charter-  
party 62

———— And construed according to Intention,  
not the literal Sense *ibid.*

———— Where the Master may release the  
Freighters 63

———— Goods sent to a Ship without agreeing,  
Freight to be according to Custom *ibid.*

A Charter-party of Affreightment 64

*Flotsam, Jetsam and Lagan* 141

———— Who may have them by the King's  
Grant *ibid.*

———— Not where Owners of Goods are known

142

*Hypothecation,*

# The T A B L E.

## H.

<i>Hypothecation</i> , or pawning Ships, by the Common and Civil Law	Page 117
—— In Cases of Necessity, a Master may Hypothecate the Ship, where he wants Victuals, Cables, &c.	118
—— But must be in foreign Parts	<i>ibid.</i>
—— When a Ship is Wind-bound in any Harbour abroad, or in great Distress at Sea	119
To Hypothecate Ships, necessary for preserving Navigation	120

## I.

<i>Insurance</i> , Definition of, and when introduced	67
—— Publick or general, and private, the Difference between	<i>ibid.</i>
—— Insurers not to answer, where a Ship is sunk or wrecked by Fraud	70
—— Blank left in a Policy, vitiates it	71
—— If Goods insured of greater Value than remitted, yet the Assurers liable	<i>ibid.</i>
—— When the Ship only, and when the Goods insured, how to be named particularly, &c.	72
—— A Merchant lades contraband Goods, which are seized, Assurers not answerable	73
An Insurance of Goods in a Ship warranted to depart with Convoy	74
—— A parol Agreement, may avoid the Writing, and not fixed to Place where made	75

## The T A B L E.

<i>Insurance</i> , Money insured upon Policies, how received and recovered, on Advice of Loss of the Ship, &c.	Page 76
—— When the Merchant may come in himself in Nature of an Insurer	77
—— Goods being wasted, wet or injured by Accident, redeemed from a Pirate, &c. Insurers to contribute to Damage	<i>ibid.</i>
—— Insurances on Men's Heads, in Danger of taking by Pirates	78
—— <i>Statutes</i> made concerning a standing Commission for determining Causes	<i>ibid.</i>
—— The <i>London</i> and <i>Royal Exchange</i> Assurances	80
—— Policies of Insurance to be duly stamped, and Promissory Notes to insure, declared void	82
—— No Assurance to be made, Interest or no Interest	83
—— No Re-assurance to be made except the Assurer shall become Insolvent or die	<i>ibid.</i>
—— No Assurance to be made upon any foreign Ship trading to the <i>East Indies</i>	86
A <i>Policy</i> of Insurance	87

### K.

<i>Keys</i> , for Shipping, Lading or Landing Goods, &c.	164
—— To be open and free, and Passages to them of a certain Breadth	166
—— Carmen and Carts attending, how to be governed	170

### L.

<i>Law-Merchant</i> , of universal Extent	7
<i>Light-Houses</i> and Sea-Marks, divers kinds of, and their Use	142
	<i>Light-</i>

# The T A B L E.

<i>Light-Houses</i> , the Light-house at <i>Goldston</i> by <i>Yarmouth</i>	Page 143
———— On the <i>Edystone</i>	ibid.
———— And on the Island or Rock called <i>Sker-</i> <i>ries</i> , near <i>Holyhead</i>	144
<i>Lodemen</i> , to bring Ships safe thro' Havens	154
<i>Lodmanage</i>	ibid.

## M.

<i>Merchant</i> , who is	5
———— Qualification requisite for a Merchant	6
<i>Merchants</i> Causes determined by the Law-Mer- chant	7
———— Trading jointly as Partners, or in com- mon, the Benefit accruing to, and Remedies against them	8, 9
<i>Merchants</i> drawing Bills, how obliged	9
<i>Merchants</i> Accounts, stated and balanced, &c.	10
———— Suits ended by Arbitration and Rule of Court	ibid.
———— Not protected by serving Embassadors, &c.	11
<i>Merchant Strangers</i> , Statutes relating to	ibid.
———— May come into and go out of <i>England</i> , and freely buy and sell Goods	ibid.
———— To lay out Money received on the Com- modities of this Realm	13
<i>Merchants</i> may use more Merchandizes than one	ibid.
———— To lade and unlade Merchandize at cer- tain Ports	16
———— In what Ships to bring in and carry out Goods and Merchandize	18
<i>Masters of Ships</i> , chosen by the Part Owners	32
———— How ought to be qualified	ibid.
———— The Master answerable for Negligence, Wilfulness or Ignorance of his Men	ibid.

# The T A B L E.

<i>Masters of Ships</i> , answerable for Thefts of Goods, &c. as a common Carrier	<i>Page 33</i>
—— When Damage deducted by the Master out of the Mariners Wages	35
Master's Power to freight out the Ship, take in Goods; Passengers; mend and furnish Ships, &c.	36
—— Not to sail without Consent of his Compa- ny, or break Ground after an Embargo	37
—— Nor deviate in his Course, or steer a dan- gerous unusual Way, and where several Ships are in Company, to stay for one another	38
—— To keep his Ship's Company in Peace, and take care of sick Mariners; &c.	39
—— How to provide for them	40
—— What to be done on Arrival of the Ship in Port, Time to come up the <i>Thames</i>	<i>ibid.</i>
—— Not to load or land Goods, without En- try, by Statute	40
—— Or force Men ashore abroad, leave them behind; or import Vagrants	41
—— To take poor Boys Apprentices, whose Parents are chargeable to Parishes	<i>ibid.</i>
—— And pay so much <i>per</i> Month for every Seaman, towards the better Support of <i>Green-     wich Hospital</i>	42
<i>Mariners and Seamen</i> , owe Obedience to the Ma- ster, who may correct them	43
—— Not depart from on Shipboard, without Licence	<i>ibid.</i>
—— How many to remain aboard the Ship in a strange Country	44
—— Deserting the Service, or if Ship pe- rishes, to lose their Wages	<i>ibid.</i>
—— In what Cases may pass over to other Ships	45
	<i>Mariners</i>

## The T A B L E.

<i>Mariners and Seamen</i> , imbezilling Goods, accountable to the Master	Page 45
—— But not to be arrested on board for Debt, &c. tho' Wages and their Goods are liable	46
The late Statute 2 G. 2. for regulating Seamen and Mariners, Contracts to be in Writing, Penalty if desert or absent themselves from Ships, when their Ships shall be paid, &c.	47
—— Shipwrecked Mariners how provided for abroad, and sent home	48
A <i>Letter of Attorney</i> to receive a Mariner's Wages, and his Will	51
<i>Marine Contracts</i> , their Nature and Extent of	104
—— Made between Princes and Merchants	<i>ibid.</i>
—— Distinctions therein, Remedy to avoid Interruption of Commerce	<i>ibid.</i>

### N.

<i>Naval Trade</i>	I
<i>Navigation</i>	17
—— Of common Right free to every one	<i>ibid.</i>
—— What Voyages make but one Navigation	18
The <i>Navigation Act</i>	19

### O.

<i>Owners of Ships</i> , who are	26
—— Several disagreeing to fit a Ship out on a Voyage, the Majority may do it	<i>ibid.</i>
—— Where dispossessed of the Ship, to maintain an Action, and shall have Damages for want of employing thereof	29
—— Chargeable for Goods in respect of their Freight	35

### P.

<i>Pilots</i> , to direct the Ship's Course	146
—— If ignorant, how punished, by the Laws of <i>Wisbuy</i> , <i>Denmark</i> , <i>Oleron</i> , &c.	<i>ibid.</i>

## The T A B L E.

<i>Pilots</i> , excellent Ordinances concerning them, and their Journals, &c. in <i>France</i>	Page 147
— Not obliged to pass thro' dangerous Places, where they are answerable, and where the Ma- ster	<i>ibid.</i>
— By our Laws, Pilots to be examined by the Master and Wardens of <i>Trinity House</i>	149
— Acting not being approved, liable to cer- tain Penalties	<i>ibid.</i>
— Their Number limited, and Rates for con- ducting Ships up the <i>Thames</i>	150
— Lord Warden of the <i>Cinque Ports</i> , &c. may make Rules and Orders for governing Pilots at a Court of Load-Manage	151
— To be admitted and licensed, and pay an- cient Dues, &c.	152
<i>Ports</i> , Havens, &c. for Ships	154
— How maintained and kept	155
— Ships fastened to Rings, &c.	<i>ibid.</i>
— In what manner to set sail	156
Statutes for improving and preserving them here	<i>ibid.</i>
The several Ports in <i>England</i> for collecting Cu- stoms	158
— <i>London</i> the greatest Extent of	163
<i>Package Duty</i> , <i>Porterage</i> , <i>Primage</i> , <i>Passage</i> , &c.	169
<i>Prisage</i> and Butlerage	351
— Originally the only Custom for Wine	<i>ibid.</i>
— The Duty, single or double	352
— Immunity granted to Places, to be free from <i>Prisage</i>	353
— When due, with some curious Cases there- upon	355, &c.

### Q.

<i>Quarantain</i>	4
— The Statute concerning it	5
See further of this Head Vol. II.	<i>Respon-</i>

# The T A B L E.

## R.

<i>Respondentia</i> , Money lent at	Page 84
—— No Money to be lent at <i>Respondentia</i> upon any foreign Ship trading to the <i>East Indies</i>	86

## S.

Ships in general, the Laws relating to	18
—— Goods to be imported in <i>English</i> Vessels <i>ibid.</i>	
—— But if none such, Merchants may hire others	<i>ibid.</i>
Ships importing Merchandize, &c. to belong to People of <i>England</i> or <i>Ireland</i> by the Navigation Act, and the Master and three fourths of the Men to be <i>English</i>	19
—— Not to be yielded up to Pirates, and Reward for defending them	21
—— Wilfully casting away, burning or destroying Ships, is Felony	23
—— Gun-powder not to be put on board above <i>Blackwall</i> in the <i>Thames</i> , or Guns kept loaded, &c.	<i>ibid.</i>
—— Ballast for Ships, provided at such Rates per Ton	24
Ship's Value only liable for Imbezilment of Mariners, where Owners not privy to shipping Goods	25
—— For Repairs of, Masters may take up Money, and Owners and Ship liable	29
Ships not forfeited as <i>Deodand</i> , for accidental Deaths at Sea	30
A <i>Bill of Sale</i> of a Ship	31
<i>Salvage</i> , of Ships, when and in what Manner paid	121
—— The Allowances made to the Salvors, by Laws of most Countries	122
	<i>Salvage</i>

## The T A B L E.

<i>Salvage</i> , Reward by our Laws and Statutes, for which the Ship, &c. detained	<i>Page</i> 123
Where the Goods saved, may be sold, but for Benefit of the Owner, &c.	<i>ibid.</i>
<i>Scavage</i> Duty or Toll, paid for Merchant-Strangers Goods exposed to Sale	171

### T.

<i>Trade</i> , just Definition, and essential Parts of	1
—— Kingdoms and States raised by it	2
—— Extent of our foreign Trade, and great Benefit thereby	3
—— When prohibited and restrained by Statute	4, 5
—— Not to be carried on with Infidels, without Leave	5
—— For Advantage thereof Merchants may live out of the Realm	<i>ibid.</i>

### W.

<i>Wine</i> brought from <i>France</i> , to come first to <i>Ireland</i> , and thence to <i>England</i>	17
—— The Penalty for corrupting and adulterating it	<i>ibid.</i>
<i>Wreck</i> , what by Law	131
—— Takers and Plunderers of, deemed Robbers, and punished with unmerciful Death, by Laws of <i>Oleron</i>	133
—— The great Spirit of these Laws against Lords countenancing such Villanies	<i>ibid.</i>
—— Goods wrecked to be saved and put in safe Custody	135
—— In <i>France</i> taken into Protection of the King	136
—— In <i>England</i> , Wrecks belong to the Crown, or Lord of the Manor	<i>ibid.</i>
	<i>Wrecks,</i>

# The T A B L E.

<i>Wrecks</i> , no Wreck where a Man or Dog, &c. escapes alive	Page 137
—— But Goods kept a Year and a Day for the Owners, who proving their Property, to have them restored	138
—— Wrecked Goods not liable to pay Cu- stom	139
By <i>Statute</i> , Justices of Peace, head Officers of Towns, Constables, Officers of the Customs, &c. to be assisting in preserving Ships from Wreck on the Coasts	140
—— Persons not to enter into Ships in Di- strefs, without Leave of Officers	<i>ibid.</i>
—— And if any Goods carried off, Offenders to pay treble Value, &c.	<i>ibid.</i>
<i>Wharfs</i> and Keys, &c.	164
—— Cranes erected on, in what particular Manner	167
<i>Wharfingers</i> , and their Business, and how or- dered	168
—— To keep Boats or Lighters, and be an- swerable for Loss of Goods	169
<i>Wharfage</i> , and <i>Cranage</i> Money	<i>ibid.</i>
<i>Water-Bailage</i> Duty, paid to the City of London	170

*An APPENDIX, containing short Extracts from the Statutes 26 Geo. 2. which make any Alterations with respect to Trade.*

THE Act 26 Geo. 2. c. 6. makes all Vessels, Persons and Goods, coming from Places whence the Plague may be brought, subject to perform Quarantain in such Places as shall be appointed.—Vessels infected, being to the northward of Cape *Finisterre*, to proceed to the Harbour of *New Grimsby* in the Islands of *Scilly*, and to give Notice of their Case to some Officer of the Customs there; which Intelligence shall be immediately transmitted to one of the Secretaries of State, and shall remain at the said Islands till his Majesty's Pleasure be known; nor shall any of the Crew go on Shore.—Vessels not able to make *Scilly* to remain in some open Road till Orders arrive, and avoid all Intercourse with other Ships or Persons.—In either case, the Master or any other Person aboard, who shall be disobedient, to be adjudged guilty of Felony.—When any Place shall be infected, or Orders made concerning Quarantain, an Officer of the Customs to go off to the Vessel attempting to come into Port, and interrogate the Master concerning the Ship's Cargo, Voyage, Health, &c. who shall give a true Account of all those Particulars; and if it shall appear that the Infection is on board, she shall be obliged to perform Quarantain.—If there be any Infection on board, the Master concealing the same shall be adjudged guilty of Felony, or not making a full Discovery in other Particulars, shall forfeit 200*l.*—Every Master of a Vessel performing Quarantain, to deliver to the Officer appointed, the Bill of Health and Manifest of the *British* Consul, with the Log-book;

## AN APPENDIX.

book and Journal, under Penalty of forfeiting 500*l.*—The Master, &c. quitting the Vessel before Quarantain is performed, unless by Licence, or not going to the Place appointed for performing Quarantain, to forfeit 500*l.*—The Party quitting the Vessel, to be compelled by force to return on board, to suffer six Months Imprisonment and forfeit 200*l.*—Lazarets to be erected on common or private Grounds, the Proprietors being satisfied for the same.—The Officers may oblige all Persons to comply with such Orders as shall be made, and compel by force Persons refusing to perform Quarantain, or having escaped from the Lazaret in which they were placed, to repair to the Place appointed for them.—Persons refusing or neglecting, to be adjudged guilty of Felony.—The Officers to enforce Obedience to their Orders.—Sound Persons entering a Lazaret, &c. where the Infection is, to be obliged to continue there and perform Quarantain, and escaping from thence to be adjudged guilty of Felony.—The Officer neglecting his Duty to forfeit his Office and 100*l.* and if he embezzle Goods, to pay treble Damages and full Costs of Suit.—Goods particularly specified, to be liable to the Orders for Quarantain.—On Proof on Oath, that any Vessel hath performed Quarantain, and that the same is free from Infection, and a Certificate from the Officer superintending the Quarantain, the Ship and Men to be discharged.—No Fee to be taken for the Oath or Certificate.—Orders to be complied with for airing of Goods, and on Certificate and Proof on Oath, that the same have been complied with, the Goods to be discharged.—The Officer demanding a Fee for such Oath or Certificate,

## AN APPENDIX.

ificate, to forfeit 100*l.*—The Superintendant of the Quarantain, or Watchman, neglecting their Duty, or permitting any Person, Goods, &c. to depart or be conveyed out of the Place appointed for Performance of Quarantain, or giving a false Certificate, to suffer Death.—Persons concealing or clandestinely conveying Letters or Goods from any Ship under Quarantain, or from any Lazaret, to suffer Death.—If any Part of *Great Britain, Ireland* or the Isles of *Guernsey, Jersey, Alderney, Sark* or *Man*, or *France, Spain, Portugal* or the *Low Countries*, shall be infected with the Plague, all Boats and Vessels under the Burthen of twenty Tons, to give Security not to touch at any Country which shall be mentioned in a Proclamation for that Purpose, in the Penalty of 300*l.* and such Vessels sailing without giving such Security, to be forfeited, and the Master and every Mariner in such Vessel to forfeit 20*l.*—All Orders made concerning Quarantain, to be read in all Churches, —This Act to commence and take effect from the first of *March* 1754.

The Act 26 G. 2. cap. 8. opens the Port of *Exeter* for the Importation of Wool and woollen Yarn from *Ireland*, from the first of *June* 1753, under the Regulations and Restrictions enacted by 10 & 11 W. 3.

The Act 26 G. 2. c. 9. explains, amends and renders more effectual the Act 23 G. 2. for the *Encouragement of the British White Herring Fishery*, and enacts, that the Society shall be intitled to 3 per Cent. Interest on the Sums employed by them;—that the Oaths required to be taken, with respect to the nominal Days appointed for the Rendezvous, &c. for the Society's Vessels, shall

## AN APPENDIX.

shall be made conformable to the Calendar now in use;—that the Society shall not be intitled to the Bounty of 30*s.* *per* Ton, where the Vessel returns with fewer Hands than she is required to have on board at the Rendezvous;—that the Vessels may put into Port in the Intervals of the Fisheries;—that the second Fleet of Nets may be of any Depth, not under five Fathoms, and the Certificate and Oath touching the same conformable to the Alterations of this Act;—that in order to secure the Society or their Agents from the several Penalties inflicted by the Acts of the fifth and eighth of his late Majesty, respecting the Duties on Salt, &c. the Quantity of such White Herrings as have been or shall be sent to foreign Markets, without being first brought into Port, shall be ascertained by the Oath of the Society's Superintendant, and the Certificate of their Secretary and Accomptant;—that such Affidavit and Certificate shall be admitted as Evidence to verify the Quantity of such Fish;—that all Vessels which shall rendezvous at *Kirkwall*, and observe all the Regulations prescribed by the Act 23 G. 2. shall be intitled to the Bounties prescribed in the said Act, in the same manner as if they had rendezvoused at *Campbell-Town*;—and that no Vessel employed in the White Herring Fishery shall be obliged to carry more than one Fleet of Nets to the latter Fishing.

The Act 26 G. 2. c. 11. permits the Exportation of Wooll and Woollen or Bay Yarn, from any Port in *Ireland* to any Port in *Great Britain*, under the Restrictions and Regulations enacted concerning the same, by 10 & 11 W. 3. or any other Act or Acts of Parliament whatsoever.

The

## AN APPENDIX.

The Act 26 G. 2. c. 12. enacts, that after the 29th Day of *September* 1753, no Wine of any sort, exceeding the Quantity of ten Gallons, imported into any of the Out-Ports, shall be brought from thence to *London*, or within 20 Miles of the *Royal Exchange*, without paying the Out-Port and *London* Duty, or the Difference of the respective Duties payable in the Out-Port from which it is brought, and in the Port of *London*, on the Importation of such Wine;—that any Quantity of Wine in Bottles, exceeding three Dozen, or in Casks 10 Gallons, brought at the same time and in the same Carriage to *London*, or within 20 Miles of the *Exchange*, without a Certificate of the respective Duties being paid, &c. shall be forfeited, together with the Casks and Vessels containing the same;—and that if after the Removal of such Wines, and Payment of the Duties, the Wines shall be staved or perished before they shall be brought into the Port of *London*, &c. Repayment shall be made of the Difference of the respective Duties to the Proprietor.

The Act 26 G. 2. c. 13. recites the Act 24 G. 2. for the more effectual securing the Duties upon *Tobacco*, and enacts, that after the 1st of *June* 1753, no *Tobacco* imported before 29 *September* 1751, nor *Tobacco* Stalks stripped, or Snuff manufactured therefrom, shall be removed by Land or Water, on Penalty of Forfeiture, as by the said recited Act is directed in relation to any *Tobacco*, *Tobacco* Stalks or Snuff, on the Removal whereof Certificates are required;—that *Tobacco* removed in greater Quantities than the Act allows, without a Certificate, may be seized;—that the Proof of its having been removed from the Port of Importation with a Certificate, shall lie on

## AN APPENDIX.

on the Claimer;—that this Act shall not extend to prohibit the Exportation of Tobacco imported before 29 September 1751, at any time before the 29 September 1754, from any Port where the same shall be on the 1 June 1753;—that the Inn from whence any Tobacco shall be carried shall be described on the Back of the Certificate, instead of the Carrier's Name;—that every Certificate for removing Tobacco shall be deemed a proper Certificate for that Purpose, altho' it does not contain the Name of the Importer or of the Person who paid the Duties;—and that the second Purchaser of an Hogshead of unmanufactured Tobacco shall be intitled to a Certificate on the Removal thereof, or of the Stalks or Snuff made therefrom.—This Act also recites the Act 9 *Annæ*, for establishing a General Post-Office, and enacts, that every Writ or other Proceeding at Law shall pay as a distinct Letter;—and that Letters inclosing several Patterns, not exceeding one Ounce Weight, shall pay only as a double Letter.

The Act 26 G. 2. c. 15. for allowing Interest upon certain Debentures for the Bounty granted on the Exportation of Corn, enacts, that from the 25th of March 1753, Debentures for the Bounty\* of Corn exported remaining unsatisfied for six Months, shall carry an Interest of three per

---

\* By 1 W. & M. when Malt or Barley shall be at 24s. per Quarter, Winchester Measure, or under, Rye at 32s. per Quarter or under, Wheat at 48s. per Quarter or under, in any Port of England, every Ship for Exportation, conforming to the Directions of that Act, is intitled to a Bounty of 2s. 6d. for every Quarter of Barley or Malt, ground or unground, 3s. 6d. for every Quarter of Rye, ground or unground, 5s. for every Quarter of Wheat, ground or unground; and by 5 *Annæ*, when Oats shall be sold at 15s. per Quarter or under, there shall be paid a Bounty of 2s. 6d. per Quarter to the Exporter; and the Beers of Scotland shall have the same Bounty as Barley.

## AN APPENDIX.

*Cent.* until the Money due on such Debentures and the Interest of the same shall be reserved in the Hands of the General Receiver of the Customs, and proper Notice given thereof, after which time, if Payment be not demanded, all Interest shall cease; but the Principal with such Interest as shall be due thereupon before the Expiration of the time limited in the said Notice, shall be paid upon Demand at any time afterwards;—that if there shall at any time thereafter be Money in Hand sufficient to discharge the Debentures, and Notice be given thereof, the Interest thereon shall cease;—that Principal and Interest shall be paid in course without undue Preference;—that the Day of Presentment of the Certificate shall be indorsed on the Back of the Debenture, and the Order for the Payment thereof, with the Interest, shall be signed;—that Payment shall be made of Principal and Interest without Fee;—that Debentures shall be assignable by Indorsement;—that where there is not Money in Hand to pay the Bounty on Corn exported from *Scotland*, a Certificate shall be granted, and the Debenture paid by the Receiver General in three Months;—that Debentures remaining unsatisfied for six Months, shall carry *3 per Cent.* Interest;—that Notice shall be given when the same are ready to be discharged;—that the Interest shall cease from the time limited in such Notice;—that if there shall be at any time thereafter Money in Hand sufficient to pay off the Debentures, and Notice be given thereof, the Interest thereon shall cease;—that the Debentures in *Scotland* shall be paid by the Receiver General, and without undue Preference.

The

## AN APPENDIX.

The Act 26 G. 2. c. 16. reduces the Court of Directors of the *South Sea Company* from thirty-three to twenty-one, to take effect after the Expiration of the three Years for which the present Governors and Directors are chosen.

The Act 26 G. 2. c. 18. *for enlarging and regulating the Trade into the Levant Sea*, enacts, that after the 24 June 1754 any Subject of Great Britain desiring Admission and paying 20*l.* shall be made free of the *Turkey Company*;—and that on his Admission to the Freedom of the said Company, he shall take the following Oath;

*You swear to be good, faithful and true to our Sovereign Lord King George, his Heirs and Successors; you shall be obedient and assistant to the Governor, his Deputy, and Assistants of the Company of Merchants of England trading into the Levant Seas, in all lawful Matters; you shall truly hold and keep to your Power (having no singular Regard to yourself, to the Hurt and Prejudice of the common Weal of the said Company) all Statutes, Acts and Ordinances, which have been duly made according to the Grant of Privileges granted to the said Company, and consistent with an Act of Parliament made in the twenty-sixth Year of the Reign of his Majesty King George the Second, intituled, An Act for enlarging and regulating the Trade into the Levant Seas; the Secrets of the said Company you shall not disclose; and if you shall know any Person or Persons that intend any Hurt, Harm or Prejudice to our aforesaid Sovereign Lord the King's Majesty, his Heirs or Successors, or to the said Company, or to the Privileges of the said Company, you shall give knowledge thereof to the said Governor, Deputy or Assistants, or to some them; and you shall not colour or free any*

## AN APPENDIX.

*Goods belonging to any one not free of the said Company.*

*So help you God.*

That Persons admitted to their Freedom may, separately or jointly, export Goods from any Port in *Great Britain* to any Port within the Limits of the Letters Patents granted to the Company, paying the King's Duties, and other Charges of the Company;—that the Exportation of Gold and Silver shall be subject to the By-laws of the Company;—that By-laws shall not be valid unless confirmed at a subsequent general Court;—that if seven Freemen shall think themselves aggrieved thereby, they may appeal to the Commissioners for Trade, &c.—that such By-law shall be in force till the Appeal is determined;—that such Appeals shall be brought within twelve Calendar Months after the By-law is made;—that Appeals against any By-laws now in force shall be brought within twelve Months after the said 24 *June* 1754;—that the Person appealing against any By-law, shall give Notice in Writing of such Appeal to the Governor, Deputy Governor or Secretary for the time being;—that By-laws shall be of no greater Force than they would have been if no Appeal had been granted;—that twenty Days Notice at least shall be given in the *London Gazette* of holding a General Court for making By-laws;—that all Orders made for preventing Infection shall remain in force;—and that Goods liable to retain the Infection, and coming without a clean Bill of Health, shall not be landed in *Great Britain*, &c. unless it shall appear to the Satisfaction of his Majesty, that the same have been opened and aired in some of the foreign Lazarets.

The

## An A P P E N D I X.

The Act 26 G. 2. c. 20. for encouraging and improving the Manufactory of Linen in the Highlands of Scotland, enacts, that after the Expiration of the Term for which Bounties on the Exportation of *British* and *Irish* coarse Linens are granted and continued by the Acts of 15, 16, 17, 18, 20 & 22 G. 2. the annual Sum of 3000*l.* shall be paid for nine Years out of the Duties in *Scotland*, to the Cashier of the Commissioners and Trustees for improving Fisheries and Manufactures in *Scotland*, for the encouraging and improving the Manufacture of Linens in the Highlands of *Scotland* only;—that no Part of the said Sum shall be applied to any other Use than instructing and exciting the Inhabitants to raise, prepare and spin Flax and Hemp, to be used in the Manufacture of coarse Linen, and to weave the Yarn there spun into such Linen, and for providing the Inhabitants with fit Materials and Utensils for those Purposes, and for distributing Rewards and Prizes to the Growers, Preparers and Spinners of such Flax and Hemp, and to the Weavers and other Manufacturers of such Linen, and for such other like Uses as by the said Commissioners and Trustees shall be thought proper for promoting the true Intent of this Act;—that no Part of the said annual Sum shall be applied in encouraging the Manufacture of Sail Cloth;—that the said Commissioners shall yearly at *Christmas* make out an Account of the Monies received and issued, and a true Report of their Proceedings, and lay true Copies of them before his Majesty, and before the annual Committee of the Convention of the Royal Boroughs of *Scotland*;—that at *Christmas* 1753, the Commissioners shall lay a Plan for the Application and Distribution of the said Sum before his Majesty,

## AN APPENDIX.

which when approved or altered, by Writing under the Sign Manual, shall be put in Execution;—and that they may in any other Year lay any other Plan before his Majesty for the like Purpose.

The Act 26 G. 2. c. 21. *for encouraging the Silk Manufactures of this Kingdom, and for securing the Duties payable upon the Importation of Velvets, wrought Silks, and Silks mixed with other Materials, not manufactured in Great Britain*, enacts, that all Velvets, wrought Silks, and Silks mixed with any other Materials, of foreign Manufacture, not being prohibited to be worn in Great Britain, imported after the 29 September 1753, shall be sealed at each End of the Piece before Delivery from the Custom-house;—that the Exporter of such Goods shall give Notice to the proper Officer of the Customs, when and where the same will be packed up for Exportation;—that the said Officer shall take care to see that the Seals are then taken off;—that no Draw-back shall be allowed unless such Notice be given, and the Seals taken off;—that foreign Velvets and wrought Silks, and Silks mixed with any other Materials, found without Seals thereon, after the 29 September 1754, shall be forfeited and seized by any Officer of the Customs, and after Condemnation, be sold to the best Bidder;—that the Person in whose Custody the same shall be found, shall forfeit two Hundred Pounds;—that the Goods so seized and forfeited shall not be used in this Kingdom, but exported;—that Persons counterfeiting the Seals, or selling any of the said Goods with a counterfeit Stamp, shall forfeit 500*l.* and be pillored.—The pecuniary Penalties and Forfeitures imposed by this Act, to  
I be

## AN APPENDIX.

be sued for in any of the Courts of Record at *Westminster*, or in the Court of Exchequer at *Edinburgh*;—one Moiety of the Penalties to go to the Crown, the other to the Officer who shall prosecute;—if the Officer neglect to prosecute for one Month, then any other Person may sue and recover.—A *Capias* to issue upon filing an Action or Information for any pecuniary Penalty, and the Defendant to give Bail thereto, and for Payment of the Forfeiture, if convicted.—The Proof where Goods were manufactured, to lie on the Claimer, and not upon the Prosecutor.

The Act 26 G. 2. c. 32. continues a Clause in the Act 9 & 10 W. 3. *to settle the Trade to Africa*, for allowing, during a limited time, a Drawback of the Duties upon the Exportation of Copper Bars imported;—and the Proviso in the Act 12 Annæ, that no Drawback shall be allowed on the Exportation of any Copper but such as had been or should be imported from the *East Indies*, and the Coast of *Barbara* only, until the 24 June 1758;—and also continues the Act 19 G. 2. *for the more effectual securing the Duties now payable on foreign-made Sail Cloth imported into this Kingdom; and for charging all foreign-made Sails with a Duty; and for explaining a Doubt concerning Ships being obliged, at their first setting out to Sea, to be furnished with one compleat Set of Sails, made of British Sail Cloth*, until the 24 June 1758;—and also the several Clauses in Act 8 G. 1. *for Encouragement of the Silk Manufactures of this Kingdom; and for taking off several Duties on Merchandizes exported; and for reducing the Duty upon Beaver Skins, Pepper, Mace, Cloves and Nutmegs imported; and for the Importation of all Furs of*  
the

## AN APPENDIX.

*the Product of the British Plantations into this Kingdom only; and that the two Corporations of Assurance, on any Suits brought on their Policies, shall be liable only to single Damages and Costs of Suits, relating to the Encouragement of the Silk Manufactures of this Kingdom; and for taking off several Duties on Merchandizes exported, which have been continued from time to time, until the 24 March 1758;—and the Act 6 G. 2. for the better securing and encouraging the Trade of his Majesty's Sugar Colonies in America, which has been continued from time to time, until the 24 June 1756;—and after reciting Clauses for the better securing and regulating the Duties upon Salt, from Acts 2 & 3 Annæ, 8 G. 1. 4 & 5 Annæ, enacts, that the Certificate for Salt lost shall vacate the Security given for Payment of the Duty;—and that the time for making Proof of Salt lost, in order to obtain a Certificate, shall be enlarged to two Years;—and reciting that a Proviso in Act 23 G. 2. for the due and regular Payment of the Bounties granted upon the Exportation of British-made Sail Cloth, has proved ineffectual, enacts, that the Bounties thereby due, and which shall hereafter become due, instead of being paid in the manner there directed, shall be paid out of such Parts of the old Subsidy as are applicable to the Payment of Incidents.*

F I N I S.







